THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 17 NUMBER 65

Washington, Wednesday, April 2, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2968

PAN AMERICAN DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS April 14, 1952, will mark the sixty-second anniversary of the founding of the Pan American Union, keystone of the Organization of American States, of which it is the Permanent Organ and General Secretariat; and

WHEREAS April 14 is customarily observed throughout the Americas as "Pan American Day"; and

WHEREAS the Charter of the Organization of American States came into full legal effect on December 13, 1951, furnishing a treaty basis for the Organization; and

WHEREAS the determination of the republics of this Hemisphere to achieve a greater solidarity and a more perfect expression of their mutual efforts to withstand aggression, to preserve peace, and to promote their economic, social, and cultural development has thus been solemnized in a lasting pact:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Monday, April 14, 1952, as Pan American Day, and I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

I also invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations for the observance of Pan American Day; and I urge all interested organizations, and the people generally, to unite in suitable ceremonies commemorative of the founding of the Pan American Union, thereby testifying to the close bonds of friendship existing between the peoples of the United States and of the other American republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of March in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-3839; Filed, Apr. 1, 1952; 12:27 p. m.]

PROCLAMATION 2969

WORLD TRADE WEEK, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the right to trade freely is one of the marks of free people and an expression of their liberty; and

WHEREAS the international exchange of goods and services by the free countries promotes mutual understanding and respect among them, thus strengthening the bonds of common interest which unite them; and

WHEREAS world trade on the part of the free nations helps to raise the standards of living of their people, as well as to strengthen their defense in this time of crisis and to achieve the political stability necessary for international peace:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the week beginning May 18, 1952, as World Trade Week; and I request the appropriate officials of the Federal Government and of the several States, Territories, possessions, and municipalities of the United States to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities.

(Continued on p. 2831)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-3840; Filed, Apr. 1, 1952; 12:27 p. m.]

PROCLAMATION 2970

NATIONAL FARM SAFETY WEEK, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS accidents caused by indifference and thoughtlessness continue to rob the Nation of the lives and services of thousands of farm residents each year; and

WHEREAS the number of these unnecessary casualties can be greatly reduced by the exercise of caution and intelligent effort on the part of each farm family; and

WHEREAS the conservation of manpower and of property is vital to national defense:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week beginning July 20, 1952, as National Farm Safety Week, and I urgently request every farm resident to cooperate in carrying out effective safety measures. I also request all organizations and persons interested in farm life to join in a campaign to emphasize the importance of developing attitudes toward safety which will help prevent accidents on the farm and elsewhere.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-3841; Filed, Apr. 1, 1952; 12:27 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER REDESIGNATING A SIZE GRADE IN PACK SPECIFICATIONS AND MINIMUM STANDARDS

On March 14, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 2232), regarding a proposed change in the designation of "Number 1 Size" to "Standard Size" in the pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality, and maturity (16 F. R. 9187), issued pursuant to Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), which is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). This change was proposed by the Walnut Control Board, the administrative agency created by the aforesaid marketing agreement and order.

No written data, views, or arguments in respect to the proposed change were received by the Director, Fruit and Vegetable Branch, within the 10-day period specified in the notice of proposed rule making.

The only places where the term "Number 1 Size" appears in the presently effective pack specifications and minimum standards are in the headings of §§ 984.103 (a) (5) and 984.104 (a) (5).

After consideration of all relevant matters presented, including the aforesaid proposal of the Walnut Control Board, and the views of that board that the use of the term "Number 1 Size" in the pack specifications for merchantable unshelled walnuts, is misleading to the trade; *It is hereby ordered*, That, effective August 1, 1952, the headings in §§ 984.103 (a) (5) and 984.104 (a) (5) be changed from *"Number 1 size" to "Standard size."*

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of March 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-3703; Filed, Apr. 1, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5557]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONSOLIDATED MANUFACTURING CO. ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Consolidated Manufacturing Company et al., Docket 5557, January 29, 1952]

In the Matter of Consolidated Manufacturing Company, a Corporation, and Chester Sax and Allen J. Sucherman, Individuals and Officers of Consolidated Manufacturing Company

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of said complaint, duly recorded and filed in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel supporting the complaint, counsel for the respondents not having submitted proposed findings, and oral argument before said examiner not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order including order to cease and desist, and order of dismissal as to respondent Allen J. Sucherman.

Thereafter the matter was disposed of by the Commission's "Order denying respondents' appeal from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5557, January 29, 1952, as follows:

This matter came on to be heard upon the appeal of respondents Consolidated Manufacturing Company and Chester Sax from the hearing examiner's initial decision herein and upon briefs in support of and in opposition to said appeal. The Commission being of the opinion that the hearing examiner correctly dismissed the allegations of the complaint as to respondent Allen J. Sucherman, and no appeal having been taken from this ruling, he will not be included in the term "respondents" as used hereinafter.

The grounds relied upon in support of this appeal are (1) the hearing examiner erred in refusing to allow respondents to adduce additional testimony, (2) the Commission did not prove any injury to the public, (3) the Commission is attempting to indirectly police public morals and regulate gambling, and (4) the hearing examiner's findings are not supported by the evidence. Specific exception was taken to Paragraphs One, Four and Five of the findings as to the facts and to the conclusion and order contained in the initial decision.

The record shows that respondent corporation manufactures and sells in interstate commerce punchboards and other lottery devices; that certain of these punchboards are sold with labels attached which provide instructions for use in connection with the distribution of merchandise by gambling; that others are sold in blank, both with and without separate labels containing similar instructions; that certain of these boards are purchased by wholesalers and jobbers who resell them to retailers, both alone and together with assortments of merchandise which the boards are designed and labeled to distribute; and that certain of these retailers in turn sell chances on these boards to the public and distribute the said merchandise to those persons making the winning punches in accordance with the instructions on the punchboards. Chester Sax is the president of the respondent corporation and controls and directs its operations.

In their defense respondents called witnesses who testified to the effect that the use of punchboards in the sale of merchandise does not divert trade and that distribution of merchandise by gambling through the use of punchboards does not constitute the sale of merchandise. Respondents requested further hearings at various places throughout the United States for the presentation of evidence of a similar nature and other evidence. The hearing examiner stated that additional evidence of a similar nature to that already presented would be of no value in determining the issues, and requested respondents' counsel to indicate what other line of evidence he proposed to present, so as to enable the hearing examiner to determine whether it would be material to the issues. Upon the refusal of respondents' counsel to indicate what other type of evidence he intended to offer, the hearing examiner denied respondents' request for additional hearings. Respondents now state in their appeal brief that if they had been afforded the opportunity, they would have proven certain additional facts, some of which would have constituted proper evidence.

Upon this record the Commission is of the opinion that the hearing examiner's ruling refusing to set additional hearings was correct. Under the conditions, the hearing examiner's request that he be informed of the line of testimony to be developed at the requested additional hearings was eminently proper to insure a prompt and proper disposition of this matter. Respondents, having refused to indicate to the hearing examiner any proper line of evidence to be presented at the requested hearings, cannot now be heard to say that, if permitted, they would have presented evidence as to specific material facts. Respondents were given an ample opportunity to make an offer of proof by the hearing examiner. By their refusal to do so they have estopped themselves from now urging that such proof was available.

The respondents contend that, assuming their acts were "unfair", the allegations of the complaint have not been sustained, as there is no evidence of injury to the public. This argument is of no merit. The Commission and the courts have clearly held in other cases that the sale in interstate commerce of lottery devices designed and used for the distribution of merchandise by gambling is to the injury of the public and an unfair act and practice in violation of the Federal Trade Commission Act. Proof of further specific injury to the public is unnecessary.

Respondents further contend that by prohibiting the sale in interstate commerce of lottery devices for use in the distribution of merchandise, the Commission is attempting to police public morals and has exceeded its jurisdiction. The Commission has jurisdiction over unfair practices in merchandising in interstate commerce. The courts have repeatedly held that merchandising by gambling in interstate commerce is an unfair practice in violation of the Federal Trade Commission Act, and they have further held that the sale in interstate commerce of devices designed and intended to encourage merchandising by gambling is in violation of that act. Merchandising by gambling should not be divided into insulated acts, which appear innocent when examined separately. The unfair practice should be viewed as a whole. The record shows that respondents sold in interstate commerce lottery devices which showed on their face that they were intended and designed for use in merchandising by gambling, and the record further shows they were so used by certain of their purchasers. The contention that this practice does not come within the jurisdiction of the Commission is of no merit.

Respondents have taken specific exception to the following finding of the hearing examiner as not being supported by the record: "The use of respondents' sales plan or methods in the sale of merchandise and the sale of merchandise by and through the use thereof, and by the aid of such sales plan or method, is a practice contrary to an established public policy of the Government of the United States and in violation of criminal laws, and constitutes unfair acts and practices in commerce."

[1] Filed as part of the original document.

The record shows that by the design of certain of respondents' punchboards they encouraged and instructed the purchasers thereof in a method of merchandising by gambling. The Commission takes judicial notice of the many decisions of the Federal courts that merchandising by gambling is contrary to the public policy of the Government of the United States. This finding is thus correct and fully supported by the facts of record.

The Commission is of the opinion that all of the findings as to the facts contained in the initial decision are supported by the substantial probative evidence of record, that the conclusion contained therein is correct and that the order to cease and desist is proper upon this record and is required to provide proper relief from respondents' illegal practice.

The Commission, therefore, being of the opinion that the respondents' appeal is without merit and that the hearing examiner's initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondents' appeal from the hearing examiner's initial decision be, and it hereby is denied.

It is further ordered, That the initial decision of the hearing examiner shall, on the 29th day of January 1952, become the decision of the Commission.

It is further ordered, That respondents, Consolidated Manufacturing Company, a corporation, and Chester Sax, an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the said initial decision, a copy of which is attached hereto.

By the Commission, Commissioner Mason concurring in this decision insofar as it relates to the findings as to the facts and conclusion, but not concurring in this decision insofar as it relates to the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket No. 5203, Worthmore Sales Company.

Issued: January 29, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Consolidated Manufacturing Company, a corporation, and Chester Sax, an individual and officer of said corporate respondent, Consolidated Manufacturing Company, their representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the complaint herein be, and the same hereby is dismissed as to respondent Allen J. Sucherman, as an individual and as an officer of respondent Consolidated Manufacturing Company, a corporation.

[F. R. Doc. 52-3726; Filed, Apr. 1, 1952; 8:48 a. m.]

[Docket 5582]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WARNER ELECTRIC CO. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 3.20 *Comparative data or merits*; § 3.90 *History of product or offering*; § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution in commerce, of respondents' device designated "Warner Brush Electroplater" or any device of substantially similar construction, whether sold under the same name or any other name, representing directly or by implication, (1) that results obtained through the use of respondents' device equal those obtained through the use of the tank or immersion method of electroplating; (2) that respondents' device works as well on rough as on smooth surfaces, as well in deep recesses as on flat, smooth surfaces, or as well on irregular as on regular shapes; or (3) that the brush method of electroplating is new or a new invention; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Warner Electric Company et al., Docket 5582, January 28, 1952]

In the Matter of Warner Electric Company, a Corporation, and Michael M. Warner, Raymond E. Brandell, and Archer L. Howard, Individually and as Officers of Warner Electric Company

This proceeding came on to be heard upon the complaint of the Commission, the answers of respondents, testimony and other evidence introduced before a hearing examiner of the Commission, theretofore duly designated by it, recommended decision of the hearing examiner and the exceptions thereto, and brief of counsel supporting the complaint (no brief having been filed on behalf of respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents hereinafter named have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Warner Electric Company, a corporation, and its officers, and respondents Michael M. Warner and Raymond E. Brandell, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' device designated "Warner Brush Electroplater" or any device of substantially similar construction, whether sold under the same name or any other name, do forthwith cease and desist from representing directly or by implication:

(1) That results obtained through the use of respondents' device equal those obtained through the use of the tank or immersion method of electroplating.

(2) That respondents' device works as well on rough as on smooth surfaces, as well in deep recesses as on flat, smooth surfaces, or as well on irregular as on regular shapes.

(3) That the brush method of electroplating is new or a new invention.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Archer L. Howard.

It is further ordered, That the charges of the complaint hereinbefore referred to and discussed in paragraph (b) of the conclusion contained in the findings as to the facts and conclusion [1] of the Commission be, and the same hereby are, dismissed.

It is further ordered, That respondents Warner Electric Company, Michael M. Warner and Raymond E. Brandell shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3725; Filed, Apr. 1, 1952; 8:48 a. m.]

[File No. 21-153]

PART 211—SET-UP PAPER BOX INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trad practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of April 2, 1952.

Statement by the Commission. Trade practice rules for the Set-Up Paper Box Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are persons, firms, corporations and organizations engaged in the business of manufacturing and selling or offering for sale boxes fabricated from noncorrugated paperboard of the set-up (noncollapsible) type. Such boxes are used in the packaging of shirts, hosiery, proprietary drugs, and numerous other products. Annual gross sales at wholesale are approximately $300,000,000.

[1] Filed as part of the original document.

The rules are directed toward maintaining fair competitive conditions in the industry and protecting buyers and prospective buyers of industry products from deception. They are designed to assist industry members in keeping their trade practices in consonance with the requirements of laws administered by the Commission.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held under Commission auspices, in New York City, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon was held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

GROUP II

AUTHORITY: §§ 211.1 to 211.103, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

General statement. The unfair trade practices embraced in §§ 211.1 to 211.103 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 211.1 *Misrepresentation and misbranding of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement, label, or otherwise, concerning the grade, quality, quantity, use, size, material, finish, strength, thickness, composition, origin, preparation, manufacture, or distribution of any product of the industry, or in any other material respect. [Rule 1]

§ 211.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, or that he owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 2]

§ 211.3 *Misrepresenting products as conforming to standard.* Representing, through advertising or otherwise, that any set-up paper box or other industry product conforms to a standard recognized in or applicable to the industry when such is not the fact is an unfair trade practice. [Rule 3]

§ 211.4 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions, or falsely representing the reason for making a substitution, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

NOTE: Nothing in this section shall be construed as preventing the application of such tolerances as are agreed upon between buyer and seller or are otherwise deemed reasonable and proper and where no misrepresentation or deception of the purchasing public is practiced or promoted in relation to the product or its deviation from sample or specifications.

[Rule 4]

§ 211.5 *False and misleading price quotations, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 5]

§ 211.6 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other respect, is an unfair trade practice. [Rule 6]

§ 211.7 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 7]

§ 211.8 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage a competitor's products, business methods, selling prices, values, credit terms, policies, or services. [Rule 8]

§ 211.9 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not solely for the purpose of inflicting injury on a competitor. [Rule 9]

§ 211.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or prin-

cipals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 211.11 *Procurement of competitor's confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 11]

§ 211.12 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry, either directly or indirectly:

(a) To engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy with one or more members of the industry or with any other person or persons, unlawfully to fix, maintain, or enhance the price of any goods, or otherwise unlawfully to restrain trade; or

(b) To use any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 12]

§ 211.13 *Prohibited discrimination* (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: This proviso shall not be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate or other form, through billing as a single order an aggregate of the amount of two or more orders of such customer on which the industry member makes separate deliveries, when the price differential allowed is not based on a net savings in cost of manufacture, sale, and delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings; nor is this proviso to be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, when pursuant to agreement or understanding by the industry member and the customer, delivery of the products purchased is to be delayed or made in installments so as to involve storage cost to the industry member, and when as a result of such cost or otherwise, the price differential allowed is not based on a net savings in cost of manufacture, sale, and delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings.

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities, including storage, connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies by their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2-b, Clayton Act.

[Rule 13]

§ 211.14 *False invoicing.* (a) Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the effect of thereby misleading or deceiving purchasers, prospective pur-

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

chasers, or the consuming public, is an unfair trade practice.

(b) The practice of delivering products in a number less than called for on the delivery record or invoice (so-called "short count"), with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 14]

§ 211.15 *Selling below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

(c) All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in the section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 15]

§ 211.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 211.1 to 211.16, inclusive. [Rule 16]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 211.101 to 211.103 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 211.101 to 211.103 is followed in such manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of §§ 211.1 to 211.16.

§ 211.101 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers and suppliers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to impartial arbitration. [Rule A]

§ 211.102 *Price lists.* The industry approves the practice of each individual member of the industry independently adopting, publishing, and circulating to customers and prospective customers his own price lists. The industry also approves the practice of such member including his terms of sale, independently arrived at, as part of his own published price list. [Rule B]

§ 211.103 *Maintenance of accurate records.* It is the judgment of the industry that each member should independently keep proper and accurate records for determining his cost, based on sound cost accounting methods. [Rule C]

Industry committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of this part.

Issued: March 27, 1952.

Promulgated by the Federal Trade Commission April 2, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3671; Filed, Apr. 1, 1952; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1952 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1952

APRIL 1, 1952.

§ 129.15 *Calendar year, 1952.* * * *

(b) *Quarter beginning April 1, 1952.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1952, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of U. S. money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the U. S. dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	3.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.585016 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 3, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-3728; Filed, Apr. 1, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 5]

POLICY ON DEFENSE TRAINING

I. *Introduction.* The defense mobilization program is based on the assumption that such a program will be necessary over a long period of time. Right now we are confronted with serious manpower shortages in certain skilled occupations and in scientific, technical and engineering personnel. These shortages will become even more serious in the years which lie immediately ahead. If we are to prevent a breakdown in our defense mobilization program in the future, we must accelerate training programs for persons in these areas. A year from now, or even six months from now, will be too late. It is the responsibility of the Government to exercise the leadership which will result in an effective concentration of all of our training resources on this all-important problem.

The vast majority of workers are normally trained by employers through short term and apprenticeship on-the-job training and by public vocational schools and private institutions. The small but highly important group of scientific, technical and engineering personnel are normally trained by colleges and institutions of higher education. If there is to be an immediate attack on the present and increasingly more difficult problem of skill shortages, present training programs must be intensified at this time, and this increased training must be done in major degree by industry using its own and other normal training resources. In addition, the existing facilities of private and public institutions of higher education must be utilized to the fullest extent by increased enrollments of scientific, technical and engineering personnel.

II. *Purpose.* The objective of this statement is to set forth the policy of the Federal Government and the responsibilities of the agencies of Government for defense training under existing authority and resources, and for the following purposes:

A. To make an advance determination locally, regionally, and nationally of defense training needs by occupation and skill.

B. To insure that manpower is trained in the required skills and occupations in adequate numbers, and in the areas where and when needed to meet defense mobilization goals.

C. To insure realistic training programs tailored to actual needs.

III. *Policy.* A. In order to achieve the above-stated objectives, the policy of the Federal Government is:

1. To encourage industry to expand existing training programs and initiate new or additional training programs in the required key occupations.

2. To increase the voluntary cooperation between labor and management in local communities in the development of needed training programs and utilization of existing public and private resources to operate these training programs.

3. To offer assistance within the limits of existing facilities to industry, states and local communities in carrying out the requested training programs.

4. To assure that all trainees on the job at all times enjoy working conditions that are in conformity with accepted labor standards as set forth by law, executive order or collective bargaining agreements.

IV. *Implementation.* In order to carry out this policy and achieve the objectives set forth herein, the following assignments of responsibilities are made to the specified departments and agencies of the Government:

A. The Department of Labor shall:

1. Request Area Labor-Management Manpower Committees to:

a. Provide leadership to communities to assure the needed cooperation of all concerned to expedite the needed training;

b. Evaluate the training problems of the community and the resources available to expedite training;

c. Urge employers, schools, colleges and other training services to do all possible toward the solution of the problem.

2. Identify occupations for which labor is in short supply or is expected to be in short supply and for which training programs are therefore needed. Where required in order to so identify such occupations, consult with agencies represented on Regional Defense Mobilization Committees and Labor-Management Committees on area, regional and national levels;

3. Make assistance available to manpower users to develop on-the-job and apprentice training programs for improving the skill of the work force;

4. Inform appropriate agencies of the need for defense training; and

5. Conduct periodic reviews to determine if progress is being made in alleviating shortages.

B. All production and procurement agencies shall:

1. Encourage defense contractors to initiate training programs in cooperation with manpower and training agencies to meet present and foreseeable requirements as the shortage in the supply of trained workers becomes progressively tighter;

2. In any particular labor market area in which demands for defense training are greater than can be provided by existing training facilities, and as a guide to determination of training priority, provide through Regional Defense Mobilization Committees to the appropriate manpower agencies information on the relative importance of defense material being produced in the area.

3. Call to the attention of the contractor and appropriate manpower agencies instances coming to their attention of current or impending production difficulties which may be alleviated by assistance in setting up training programs;

4. Furnish such information with regard to future procurement needs as will enable defense contractors and the Department of Labor to provide advance estimates of training needs by ocupations.

C. Federal Security Agency shall: Render leadership and assistance to appropriate agencies and educational institutions in providing training requiring the use of educational facilities. The Office of Education will collaborate with the State Boards for Vocational Education and institutions of higher education in facilitating the development of training programs which will make a direct contribution to defense production.

D. Civil Service Commission shall: In cooperation with the Department of Labor and the Federal Security Agency provide advice and assistance to Federal agencies for training of those Federal employees directly engaged in defense activities.

E. The Department of Agriculture shall: Render leadership and technical assistance to those agencies and educational institutions with which the Department of Agriculture normally deals, including recommendations of standards for evaluating the quality of training proposed and conducted.

V. This order shall take effect on March 31, 1952.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES F. WILSON,
Director.

[F. R. Doc. 52-3780; Filed, Mar. 31, 1952; 5:01 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 8 to Supplementary Regulation 12]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

DELETION OF CUSTOM MOLDED PLASTIC PRODUCTS AND CUSTOM FABRICATED PLASTIC PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Supplementary Regulation 12, Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment expressly deletes "custom molded and custom fabricated plastic products" from the list of commodities included in SR 12, CPR 22.

Supplementary Regulation 12 grants an option to manufacturers to elect not to use CPR 22 for pricing certain listed commodities. Section 1 (a) of that supplementary regulation provides that this option is automatically terminated whenever the commodity involved is thereafter covered by a numbered regulation or supplementary regulation.

Supplementary Regulation 14, Revision 1, to CPR 22 applies to all custom

molded and custom fabricated plastic products not sold or offered for sale from July 1, 1949, to June 24, 1950. It became effective on March 15, 1952. Consequently, at that time, the option extended by SR 12 clearly was automatically terminated as to manufacturers of products covered by SR 14. Some manufacturers of custom plastic products have been in doubt as to whether their option under SR 12 was similarly terminated on March 15, 1952, as to products which they sold or offered for sale during the period July 1, 1949, to June 24, 1950. By expressly deleting these products from SR 12, this amendment removes all basis for any such doubt. However, in order to avoid prejudice to manufacturers who in good faith failed to establish ceiling prices under CPR 22 for custom plastic products covered by that regulation, but not by SR 14, this amendment is not effective until April 16, 1952. By that date all manufacturers must determine their ceiling prices and file OPS Public Forms No. 8 under CPR 22 for the custom molded and custom fabricated plastic products which they sold or offered for sale between July 1, 1949 and June 24, 1950.

AMENDATORY PROVISIONS

Supplementary Regulation 12 to Ceiling Price Regulation 22 is amended by deleting subparagraph 9 of section 1 (b).

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Supplementary Regulation 12 to Ceiling Price Regulation 22 shall become effective April 16, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3827; Filed, Apr. 1, 1952; 10:58 a. m.]

[Ceiling Price Regulation 30, Amdt. 4 to Supplementary Regulation 3]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 3—OPTIONAL POSTPONEMENT OF EFFECTIVE DATE FOR MANUFACTURERS OF CERTAIN COMMODITIES

AUTOMOTIVE TRUCK CARGO TANKS, AUTOMOTIVE TRAILER CARGO TANKS AND RANGE BOILERS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 30, Supplementary Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment grants to manufacturers of automotive truck cargo tanks, automotive trailer cargo tanks and range boilers, the option of establishing ceiling prices either under Ceiling Price Regulation 30 or the General Ceiling Price Regulation.

Amendment 2 to Supplementary Regulation 3 of Ceiling Price Regulation 30, which was issued on December 17, 1951, granted an optional extension of the effective date of Ceiling Price Regulation 30 to manufacturers of certain fabricated standard line tanks. Range boilers and tanks used on automotive equipment, however, were specifically excluded from the provisions of Supplementary Regulation 3.

It has since been brought to the attention of the Office of Price Stabilization that range boilers, automotive truck cargo tanks, and automotive trailer cargo tanks are in the same industrial classification as the fabricated standard line tanks covered by Amendment 2. Accordingly, Supplementary Regulation 3 to Ceiling Price Regulation 30 is amended to make it clear that manufacturers of these commodities may have the same option of using the General Ceiling Price Regulation instead of Ceiling Price Regulation 30 that was granted to other manufacturers similarly situated. Inasmuch as the reasons for this amendment are identical to those behind Amendment 2, the statement of considerations for that amendment is equally applicable here.

Due to clerical error, the subparagraph covering fabricated standard line metal pressure and nonpressure, lined and unlined tanks was designated in Amendment 2 as subparagraph (3) instead of subparagraph (14). This amendment corrects this improper designation.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 30 is amended as follows:

The subparagraph in section 1 (b) which covers "fabricated standard line metal pressure and nonpressure, lined and unlined tanks" is redesignated as subparagraph (14) and is amended as follows:

(14) Fabricated standard line metal pressure and nonpressure, lined and unlined tanks. This term includes: Nonpressure tanks—above ground, under ground and inside storage tanks; farm storage tanks, including skid tanks; gasoline storage tanks (including automotive truck cargo tanks and automotive trailer cargo tanks); oil field bolted and welded tanks; septic tanks. Pressure tanks—air receiver tanks, anhydrous ammonia tanks; butane and propane tanks (L. P. gas) (including automotive truck cargo tanks and automotive trailer cargo tanks); gas meter tanks; hot water storage tanks (including range boilers but excluding domestic water heaters); water softener and filter tanks. The term does not include ICC shipping containers and tanks which are components of machinery and other end-use products and are fabricated by the manufacturers of such machinery and end-use products.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Supplementary Regulation 3 to Ceiling Price Regulation 30 shall become effective April 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3828; Filed, Apr. 1, 1952; 10:58 a. m.]

[Ceiling Price Regulation 34, Amdt. 3 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF AUTOMOTIVE FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry, although in each instance representatives of the publishers of the manuals were consulted, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (s), paragraphs (t) through (y) inclusive as follows:

(t) Chilton's Motor Age Flat Rate and Service Manual, 23d Edition (1952).

(u) Ford Suggested Time Schedule, 1952 Supplement, Trucks (green sheets).

(v) Automotive Digest, Flat Rate Manual, First 1952 Edition.

(w) Crosley Motors Inc., Supplement No. 2 to the Suggested Time Schedule dated May, 1949.

(x) Hudson Flat Rate Manual 480–490–500 and "A" Series.

(y) Supplement No. 1, Merc-O-Matic Transmission, to Lincoln-Mercury Suggested Labor Time Schedule for Lincoln Cosmopolitan — Lincoln - Mercury Cars starting 1949 Models, and Supplement No. 2, Suggested Additional Labor Time Schedules, to Lincoln Cosmopolitan—Lincoln-Mercury Cars starting 1949 Models.

2. Appendices T through Y are added after Appendix S.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on April 7, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

APPENDIX T

This is the "Notice" for the Chilton's Motor Age Flat Rate and Service Manual, 23d Edition (1952):

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the conversion table on the last two pages of the Manual to determine your ceiling price, taking as your ceiling price the price in that table corresponding to the time allowance of each operation and your customers' hourly rate which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present legal ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price set for you by the use of this Manual. (A fixed charge is a charge not computed on the basis of an hourly rate. Examples: Motor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) On a towing charge, your present ceiling price is not lower than the price set for you by the use of the suggested schedule of towing prices at the back of this Manual; and

(4) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among those jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of an earlier edition of this Manual.)

(5) The notice which you post in your place of business, within ten days after you begin to use this manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case of any doubt about your ceiling prices always consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX U

This is the "Notice" for the Ford Suggested Time Schedule (1952 Supplement, Trucks, (green sheets)).

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table, pages v to x (in the "Computation" section) to compute the ceiling price of each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, _____. Relining brakes on 1951 Blank Cars, $_____); and

(3) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among those jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of any earlier edition of this Manual.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

APPENDIX V

This is the "Notice" for the Automotive Digest Flat Rate Manual, First 1952 Edition:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Hour Rate and Wage Computation Table given on the last page of the manual to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34 is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tuneup, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among those jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of any earlier edition of this Manual.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

APPENDIX W

This is the "Notice" for the Crosley Supplement No. 2 to the Suggested Time Schedule dated May, 1949.

NOTICE

You are permitted by OPS to use this supplement to arrive at your ceiling price for a given job:

If—

(1) You compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among those jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of any earlier edition of this Manual.)

(4) The notice which you post in your place of business, within ten days after you begin to use this manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX X

This is the "Notice" for Hudson Flat Rate Manual, 480–490–500 and "A" Series.

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the conversion table on pages 72 and 73 to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among these jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34, a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of any earlier edition of this Manual.)

(4) The notice which you post in your place of business, within ten days after you begin to use this manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX Y

This is the "Notice" for Supplement 1 and 2 to Lincoln-Mercury Suggested Labor Time Schedule for Lincoln Cosmopolitan-Lincoln-Mercury Cars starting 1949 Models.

NOTICE

You are permitted by OPS to use this schedule to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the front of the schedule to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $------; Relining brakes on 1951 Blank Cars, $------); and

(3) You have not used a previous edition of this Manual for pricing the job, the supplementary statement which you file shows that such job is included among those jobs which you will hereafter price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for pricing all or a part of your jobs not previously priced by the use of any earlier edition of this Manual.)

(4) The notice which you post in your place of business, within ten days after you begin to use this manual states that such job is included among the jobs which you will hereafter price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

[F. R. Doc. 52-3833; Filed, Apr. 1, 1952; 4:00 p. m.]

[Ceiling Price Regulation 67, Supplementary Regulation 1]

CPR 67—RESELLERS' CEILING PRICE FOR MACHINERY AND RELATED MANUFACTURED GOODS

SR 1—CATALOG PRICING FOR CERTAIN LONG-TERM MAIL ORDER RESELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

It has been found that CPR 67 is not well adapted to the historical pricing practices of certain mail-order resellers covered by the regulation. This group of resellers issues general catalogs which remain in effect from four to eight months during which time the prices of items included in these catalogs are not changed. In addition, the prices of the items included in these catalogs are determined some months prior to the issuance of the catalogs.

CPR 67 requires that resellers who have historically determined selling prices by adding a percentage markup to their cost to determine their ceiling prices by adding to their current legal costs the highest markups used during the period April 1 through June 24, 1950. The regulation also provides that resellers' ceiling prices must be reduced if costs to them are reduced.

The mail order resellers covered by this supplementary regulation cannot comply with the provisions of CPR 67 and still continue to follow their historical practices because in some cases they had no "markup" in effect during the period April 1 through June 24, 1950 for particular seasonal items. Further, prices stated in a general catalog remain in effect during the life of the catalog regardless of changes in cost during the period.

Accordingly, this supplementary regulation provides that long term mail order resellers covered by CPR 67 may apply for approval of a pricing method which will permit them to continue to determine prices for items, under CPR 67, which are included in their catalogs, in the same manner that they have historically followed. Such a method may include the use of a period other than April 1 through June 24, 1950 for ascertaining permissible markups on some items where it is demonstrated that a different period is necessary, and the right to retain prices of items included in general catalogs for the life of such catalogs regardless of changes in costs which may occur during the period.

In addition, this supplementary regulation contains provisions for the use of intermediate or "flyer" catalogs and special provisions with regard to invoicing by these mail-order resellers.

In the opinion of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The wide coverage of this supplementary regulation has made it impracticable to consult formally with representatives of all of the industries covered. However, action in the nature of this supplementary regulation has been proposed and requested by several representatives of the industries affected.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices of methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for catalog price determining methods.
3. Invoicing.
4. Applicability of CPR 67.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides that long term mail order resellers covered by CPR 67 may, upon application, be permitted to follow their historic practices in determining ceiling prices for items included in their catalogs. The meaning of the term "long term mail order reseller" is explained in section 5 (*Definitions*). This section is descriptive only. The following sections control.

SEC. 2. *Applications for catalog price determining methods*—(a) *Who may apply.* If you are covered by CPR 67 and if you are a long term mail order reseller you may apply to the Office of Price Stabilization for approval of a method of determining ceiling prices for commodities under CPR 67 which are included in your catalogs. Such a proposed method must provide that prices of items included in your catalogs will not be increased during the life of the catalogs; the method must show the period during which you determine prices of items included in your catalog and what catalogs you propose to use to determine your pre-Korea markups. The method must also provide that if you issue intermediate or "flyer" catalogs during the life of a general catalog the prices in such intermediate or "flyer" catalogs will reflect any decrease in the cost of the items included in the "flyer" or intermediate catalog that have occurred between the time you determined the price of items included in the general catalog and the time you determine the prices of items included in the intermediate or "flyer" catalog. The life of a general catalog shall not exceed eight calendar months, and the life of an intermediate or "flyer" catalog shall not exceed four calendar months. A more complete explanation of the terms "general catalog" and "intermediate or flyer catalog" is found in section 5 (*Definitions*).

(b) *Contents of application.* Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A specific reference to this supplementary regulation.

(3) A statement of the geographic area served by you.

(4) A statement of the year in which you started in the long term catalog mail order business.

(5) A general description of the catalogs you issue, or propose to issue each year, including the effective period or proposed effective period for each catalog.

(6) Your proposed method or methods for determining ceiling prices of CPR 67 items included in these catalogs, a statement of the periods during which catalog prices are determined, and identification of the catalogs used to determine pre-Korea markups.

(c) *Action on your application.* After receipt of your application the Director may approve or disapprove your proposed ceiling price determining method, establish a different ceiling price determining method, or request further information. If, thirty days after receipt of your application by the Office of Price Stabilization as shown by your return receipt, none of the actions just listed has been taken, you may use your proposed ceiling price determining method until such time as the Office of Price Stabilization shall notify you that this method has been disapproved. However, the Director may at any time disapprove, revoke, or modify your proposed ceiling price determining method by order. This disapproval, revocation or modification will not be retroactive as to any sales made before the date of such disapproval, revocation or modification.

SEC. 3. *Invoicing*—(a) *CPR 67.* Section 12 of CPR 67 requires that an invoice containing certain information be furnished to every purchaser to whom you make a sale, in excess of $25.00, of commodities covered by CPR 67. If you apply under this supplementary regulation and your application is approved you may use the provisions of this section, with respect to invoicing, instead of section 12 of CPR 67.

(b) *Returned order in lieu of an invoice.* If you use this section instead of section 12 of CPR 67 you must return to every purchaser to whom you make a sale of an item, or items, covered by CPR 67 included in your catalog, a copy of the completed order form sent to you by the purchaser indicating thereon that the order has been filled or partially filled, as the case may be.

SEC. 4. *Applicability of CPR 67.* All of the provisions of CPR 67 which are not inconsistent with this supplementary regulation remain applicable to you.

SEC. 5. *Definitions*—(a) *Definitions for this supplementary regulation*—(1) *Long-term mail order reseller.* This term means a person who issues at least one general catalog each year, and who regularly makes deliveries by mail, express or freight to ultimate consumers in response to orders received from them by mail or otherwise for commodities selected from general catalogs or other printed price lists issued by this person.

(2) *General catalog.* A general catalog is a catalog or other printed price list which is issued by a long-term mail order reseller periodically and remains in effect at least four months and covers the same periods in each year.

(3) *Intermediate or "flyer" catalog.* This term means a special catalog announcing a sale or any other type of catalog which is issued during the effective life of a general catalog. Such a catalog is one that does not remain in effect for the life of a general catalog, does not supersede the general catalog except for certain specified items, and in no event has an effective life of more than four months.

(b) *CPR 67 Definitions.* Except for the definitions listed in paragraph (a) of this section, all of the terms used in this supplementary regulation have the same meaning as in CPR 67.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 67 shall become effective April 7, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3829; Filed, Apr. 1, 1952; 10:58 a. m.]

[Ceiling Price Regulation 100, Supplementary Regulation 1]

CPR 100—RETAIL SALES OF NEW AND USED MECHANICAL FARM EQUIPMENT

SR 1—CATALOG PRICING FOR CERTAIN LONG-TERM MAIL ORDER SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 100 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued for the same reasons and accomplishes the same results as Supplementary Regulation 1 to Ceiling Price Regulation 67 (Resellers' Ceiling Prices for Machinery and Related Manufactured Goods). Accordingly, the Statement of Considerations involved in the issuance of that supplementary regulation is equally applicable to this supplementary regulation.

In the opinion of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The wide coverage of this supplementary regulation has made it impracticable to consult formally with representatives of all of the industries covered. However, action in the nature of this supplementary regulation has been proposed and requested by several individual members of the industries affected.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for catalog price determining methods.
3. Invoicing.
4. Applicability of CPR 100.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides that long term mail order sellers covered by CPR 100 may, upon application, be permitted to follow their historic practices in determining ceiling prices for items included in their catalogs. The meaning of the term "long term mail order seller" is explained in section 5 (*Definitions*). This section is descriptive only. The following sections control.

SEC. 2. *Applications for catalog price determining methods*—(a) *Who may apply.* If you are covered by CPR 100 and if you are a long term mail order seller you may apply to the Office of Price Stabilization for approval of a method of determining ceiling prices for commodities under CPR 100 which are included in your catalogs. Such a proposed method must provide that prices of items included in your catalogs will not be increased during the life of the catalogs; the method must show the period during which you determine prices of items included in your catalog and what catalogs you propose to use to determine your pre-Korea markups. The method must also provide that if you issue intermediate or flyer catalogs during the life of a general catalog the prices in such intermediate or flyer catalogs will reflect any decrease in the cost of the items included in the flyer or intermediate catalog that have occurred between the time you determined the price of items included in the general catalog and the time you determine the prices of items included in the intermediate or flyer catalog. The life of a general catalog shall not exceed eight calendar months, and the life of an intermediate or flyer catalog shall not exceed four calendar months. A more complete explanation of the terms "general catalog" and "intermediate or flyer catalog" is found in section 5 (*Definitions*).

(b) *Contents of application.* Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A specific reference to this supplementary regulation.

(3) A statement of the geographic area served by you.

(4) A statement of the year in which you started in the long term catalog mail order business.

(5) A general description of the catalogs you issue, or propose to issue each year, including the effective period or

proposed effective period for each catalog.

(6) Your proposed method or methods for determining ceiling prices of CPR 100 items included in these catalogs, a statement of the periods during which catalog prices are determined, and identification of the catalogs used to determine pre-Korea markups.

(c) *Action on your application.* After receipt of your application the Director may approve or disapprove your proposed ceiling price determining method, establish a different ceiling price determining method, or request further information. If, thirty days after receipt of your application by the Office of Price Stabilization as shown by your return receipt, none of the actions just listed has been taken, you may use your proposed ceiling price determining method until such time as the Office of Price Stabilization shall notify you that this method has been disapproved. However, the Director may at any time disapprove, revoke, or modify your proposed ceiling price determining method by order. This disapproval, revocation or modification will not be retroactive as to any sales made before the date of such disapproval, revocation or modification.

SEC. 3. *Invoicing*—(a) *CPR 100.* Section 11 of CPR 100 requires that an invoice containing certain information be furnished to every purchaser to whom you make a sale, in excess of $25.00, of commodities covered by CPR 100. If you apply under this supplementary regulation and your application is approved you may use the provisions of this section, with respect to invoicing, instead of section 11 of CPR 100.

(b) *Returned order in lieu of an invoice.* If you use this section instead of section 11 of CPR 100 you must return to every purchaser to whom you make a sale of an item, or items, covered by CPR 100 included in your catalog, a copy of the complete order form sent to you by the purchaser indicating thereon that the order has been filled or partially filled, as the case may be.

SEC. 4. *Applicability of CPR 100.* All of the provisions of CPR 100 which are not inconsistent with this supplementary regulation remain applicable to you.

SEC. 5. *Definitions* — (a) *Definitions for this supplementary regulation*—(1) *Long-term mail order seller.* This term means a person who issues at least one general catalog each year, and who regularly makes deliveries by mail, express or freight to ultimate consumers in response to orders received from them by mail or otherwise for commodities selected from general catalogs or other printed price lists issued by this person.

(2) *General catalog.* A general catalog is a catalog or other printed price list which is issued by a long-term mail order seller periodically and remains in effect at least four months and covers the same periods in each year.

(3) *Intermediate or flyer catalog.* This term means a special catalog announcing a sale or any other type of catalog which is issued during the effective life of a general catalog. Such a catalog is one that does not remain in effect for the life of a general catalog, does not supersede the general catalog except for certain specified items, and in no event has an effective life of more than four months.

(b) *CPR 100 Definitions.* Except for the definitions listed in paragraph (a) of this section, all of the terms used in this supplementary regulation have the same meaning as in CPR 100.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 100 shall become effective April 7, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 1, 1952.

[F. R. Doc. 52-3830; Filed, Apr. 1, 1952; 10:58 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 15]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 15—FRESNO DISTRICT, CALIFORNIA

ADDITION OF APPENDICES COVERING FRESNO AND TULARE COUNTIES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Area Milk Price Regulation 15 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 15 was issued on January 31, 1952, for the Madera-Merced Marketing Area, effective February 1, 1952. As was pointed out in the original Statement of Considerations, this Area Milk Price Regulation 15 was issued to meet a particular situation in the Madera-Merced Marketing Area, where an adjustment under Supplementary Regulation 16 had been granted in August 1951. Prompt action under Supplementary Regulation 63 was required in order to preserve that portion of the relief in processors' and distributors' margins which was justified under the criteria of Supplementary Regulation 63.

This amendment adds two appendices to the order as originally issued. Appendix II covers all of Fresno County. The California State Bureau of Milk Control designated only a portion of Fresno County in their Fresno Marketing Area. Most processors and distributors within Fresno County have historically sold at the same prices and have paid Producers the same prices as those processors and distributors within the Fresno Marketing Area as established by the State Bureau of Milk Control. All of Fresno County is therefore included in this area regulation. Appendix III covers Tulare County.

These appendices are issued as the result of industry petitions requesting authorization to effect certain increases reflecting producer price increases on cream and to effect restoration of base period differentials between by-products and whole milk. Ceilings established on cream and by-products are in accordance with the pricing provisions contained in Appendix I (Madera-Merced Marketing Area). The ceilings on standard whole milk provided in these appendices are at the same levels as are now current in the two areas, i. e., at General Ceiling Price Regulation levels including pass through of producer price increases which have been incurred since January, 1951. In the opinion of the District Director the cost data submitted by the industry indicated that no ceiling price increases on standard whole milk are justified at this time.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation 15 is amended by adding thereto Appendix II (Fresno County) and Appendix III (Tulare County) which appear hereafter.

APPENDIX II

FRESNO COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Fresno County Marketing Area, which comprises all of Fresno County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.67		
Gallon bottle	.74	$0.82	$0.86
Half-gallon container (fiber or glass)	.37	.41	.43
Quart container (fiber or glass)	.185	.205	.215
Pint container (fiber or glass)	.11	.125	.135
Third-quart or three quarter-pint container (fiber or glass)	.078		
Half-pint container (fiber or glass)	.066		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	------	.04	.02	------	------

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail-store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in sub-division 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 8 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.48 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Fresno Order No. 29 issued by the State of California Bureau of Milk Control effective February 1, 1952.

APPENDIX III

TULARE COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Tulare County Marketing Area, which comprises all of Tulare County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.67	------	------
Gallon bottle	.76	$0.84	$0.88
Half-gallon container (fiber or glass)	.38	.42	.44
Quart container (fiber or glass)	.19	.21	.22
Pint container (fiber or glass)	.11	.125	.135
Third-quart or three quarter-pint container (fiber or glass)	.077	------	------
Half-pint container (fiber or glass)	.055	------	------

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	------	.04	.02	------	------

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in sub-division 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 8 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.40 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Tulare Order No. 25 issued by the State of California Bureau of Milk Control effective January 16, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective April 1, 1952.

A. B. GROOS,
Acting District Director,
Fresno District Office.

APRIL 1, 1952.

[F. R. Doc. 52-3832; Filed, Apr. 1, 1952; 10:59 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 10]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 10—LOS ANGELES COUNTY MARKETING AREA, CALIFORNIA

REVISION OF WHOLESALE AND RETAIL STORE CARRY-OUT PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 2 to Area Milk Price Regulation 10 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

After issuance of AMPR 10 on January 16, 1952, a representative portion of the small, medium and large processors and distributors of milk in the Los Angeles County Marketing Area filed a report of changes in plant processing and delivery costs of milk products covered by Supplementary Regulation 63 to the General Ceiling Price Regulation for a period subsequent to that used as a basis for establishing area prices in the original order.

A review of the data submitted indicates that an adjustment of wholesale f. o. b. purchaser's business location prices and retail store carry-out prices is necessary in order to comply with the requirements of the Defense Production Act of 1950, as amended, and Supplementary Regulation 63 to the General Ceiling Price Regulation. These adjusted prices are as follows: Wholesale f. o. b. purchaser's business location, 19 cents per quart; and retail store carry-out prices, 21½ cents per quart.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation 10 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendments to Area Milk Price Regulation No. 10.

AMENDATORY PROVISION

1. Appendix I, Revision I to AMPR 10 is hereby revoked and Appendix I, Revision II to AMPR 10 which appears hereafter is substituted therefor.

APPENDIX I (REVISION II)

LOS ANGELES COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Los Angeles County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale f. o. b. purchaser's business location	Retail store carry-out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.69				
5 gallons and less than 10 gallons, bulk, per gallon	.70				
1 gallon and less than 5 gallons, bulk, per gallon	.71				
Gallon bottle	.76	$0.86	$0.90	$0.82	$0.76
Half-gallon container (fiber or glass)	.38	.43	.45	.41	.38
Quart container (fiber or glass)	.19	.215	.225	.205	.19
Pint container (fiber or glass)	.1075	.12	.13		.11
Third-quart or three quarter-pint container (fiber or glass)	.075				
Half-pint container (fiber or glass)	.063				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.05 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of Los Angeles County Order No. 47 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "Los Angeles County Marketing Area" means that area as defined in said Los Angeles County Order No. 47.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of April 1, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

APRIL 1, 1952.

[F. R. Doc. 52-3831; Filed, Apr. 1, 1952; 10:59 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Direction 2 of March 31, 1952]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN UNITED STATES AND CANADA

DIR. 2—ASSISTANCE FOR SMALL PRODUCERS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* The purpose of this direction is to provide assistance to petroleum and gas operators who are given allotments of controlled materials on Form PAD-15 (Emergency Requirements Application for Casing and Tubing), and who are unable to obtain such materials in the quarter in which authorized.

SEC. 2. *The direction.* Notwithstanding the provisions of section 9 of NPA Order M-46, any operator who receives an allotment of controlled material on Form PAD-15 and who is unable to obtain such materials in the quarter for which the allotment is made, may make application to the Petroleum Administration for Defense on Form PAD-15 for an allotment in the succeeding quarter. Such new application on Form PAD-15 shall be accompanied by (1) the Form PAD-15 on which the original allotment was made, (2) a statement showing the names of the suppliers who are unable to make delivery of material under the original allotment, and (3) a statement showing what portion, if any, of the original allotment has been filled.

This direction shall take effect March 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3784; Filed, Mar. 31, 1952; 4:07 p. m.]

[NPA Order M-70 as Amended March 31, 1952]

M-70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, AND MINOR CAPITAL ADDITIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-70, as amended October 1, 1951, and as further amended by Amendment 1 of December 28, 1951, as follows: 1. In general, it applies to all future calendar quarters beginning with the second calendar quarter of 1952. 2. Specifically it covers domestic and foreign flag vessels, and restricts the export of operating supplies. 3. It limits the vessels included in the definition of "water transportation system" to those which are used regularly for commercial or industrial purposes. 4. It excepts comestibles as well as fuel from the definition of MRO. 5. It substitutes CMP Regulation No. 5, as amended, wherever reference is made to NPA Reg. 4, as amended. 6. It provides a new formula limiting the MRO expenditures which may be made by foreign flag vessels not having quotas prior to the filing of Form NPAF-104 or by otherwise obtaining approval for such expenditures. 7. It revises the provisions of section 7, entitled "Foreign flag vessel's use of rating and allotment symbol." 8. It redesignates the ensuing section numbers. As so amended, NPA Order M-70 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Assignments of DO-R-9 rating and of allotment symbol R-9.
4. Water transportation system consumer's use of rating and allotment symbol and quota limitations.
5. Supplier's use of rating, allotment symbol, increase of inventory, and inventory limitation.
6. Ship repair yard's use of rating or allotment symbol, increase of inventory, and inventory limitation.
7. Foreign flag vessel's use of rating and and allotment symbol.
8. Canadian flag vessel's use of rating and allotment symbol.
9. Application and certification of rating and allotment symbol.
10. Limitation on application of rating and allotment symbol.
11. Prohibited deliveries.
12. Applicability to other orders and regulations.
13. Request for adjustment or exception.
14. Records and reports.
15. Communications.
16. Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby materials and supplies for maintenance, repair, and operation, and for minor capital additions may be procured for domestic and foreign flag water transportation systems for installation or use in domestic or foreign ports, subject to the export license requirements of the Office of International Trade. It sets forth the allotment symbol to be used for the procurement of controlled materials and the rating for the procurement of noncontrolled materials. It also establishes certain inventory limitations.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "NPA" means the National Production Authority.

(c) "Water transportation system" means any American flag vessel or fleet of vessels of any type which are used regularly for commercial or industrial purposes, but it does not include vessels operated exclusively for pleasure.

(d) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(e) "Foreign flag vessel" means a vessel registered in a country other than the United States or Canada.

(f) "Canadian flag vessel" means a vessel registered in the Dominion of Canada.

(g) "Supplier" means a producer or distributor of marine MRO requirements for use by water transportation systems.

(h) "Ship repair yard" means any person, located in the United States or its territories or possessions, who regularly provides MRO or supplies or equipment for boats and vessels.

(i) "Maintenance" means the minimum upkeep necessary to continue any vessel, or a part or a component thereof, in sound working condition. "Repair" means, with respect to any person, the restoration of any vessel, or a part or a component thereof, to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to the established accounting practice of such person. Neither "maintenance" nor "repair" includes the replacement of any vessel; nor does it include the improvement of any vessel, or a part or a component thereof, by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(j) "Operating supplies" means, in the case of a water transportation system, any kind of material carried by such water transportation system as operating supplies according to its established accounting practice, except fuel and comestibles. It includes items, such as tools, mops, buckets, and similar supplies customarily used on board ships. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of such person.

(k) "Minor capital addition" means any replacement, conversion, improvement, or addition, of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $1,000 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such replacement, conversion, improvement, or addition, for the purpose of this order, the cost of all materials obtained for such replacement, conversion, improvement, or addition shall be included, whether or not acquired by use of an allotment symbol or rating, and whether or not ordered or delivered at different times and obtained from different suppliers.

(l) "MRO" means materials for maintenance, repair, and operating supplies, excluding fuel and comestibles. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this order. Materials produced or obtained for sale to other persons (or for installation upon or attachment to the property of another person) and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(m) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(n) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(o) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation began after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *Assignments of DO–R–9 rating and of allotment symbol R–9.* (a) Water transportation system consumers, suppliers, and ship repair yards, and Canadian and foreign vessels, are hereby assigned the right to apply a DO–R–9 rating, subject to the limitations of sections 4, 5, 6, 7, 8, and 9 of this order.

(b) Water transportation system consumers and foreign flag vessels are hereby assigned the right to use the allotment symbol R–9 on delivery orders for controlled materials for maintenance, repair, operating supplies, and minor capital additions. The allotment symbol R–9 may be so used to acquire only that quantity of controlled material actually needed for MRO and minor capital additions for on-board ship repairs.

SEC. 4. *Water transportation system consumer's use of rating and allotment symbol and quota limitations.* A water transportation system consumer who desires to apply the DO rating and allotment symbol herein assigned shall apply the rating and symbol only to the extent and in the manner prescribed by this section as hereinbelow stated:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO–R–9 rating and/or allotment symbol R–9 to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended in the United States, its territories and possessions, to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use a particular calendar quarter, when once made, may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water transportation system consumer who applies the DO–R–9 rating and/or allotment symbol R–9 for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered in the United States, its territories and possessions, for delivery during any quarter whether or not obtained by use of the DO–R–9 rating and/or allotment symbol R–9, with an optional choice of order basis rather than delivery basis if so elected by the consumer, but such election when once made may not be subsequently changed without the prior written authorization of NPA.

(2) The cost of all minor capital additions ordered in the United States, its territories and possessions, for delivery during the quarter only if obtained by use of the DO–R–9 rating and/or allotment symbol R–9.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during any calendar quarter a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

(d) *Election to treat units as separate or entire.* If, in the last calendar quarter of 1950, or in the first calendar quarter of 1951, a person operated more than one vessel, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO and for minor capital additions, he may elect to treat any one or more of such units as a separate person for the purposes of this order, or he may elect to treat his entire operation as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(e) *Exportation.* Nothing in this section shall be construed as permitting any exportation except in conformity with the export license requirements of the Office of International Trade.

SEC. 5. *Supplier's use of rating, allotment symbol, increase of inventory, and inventory limitation.* A supplier may apply the DO–R–9 rating and the allotment symbol R–9 to obtain stock of inventory for delivery during any calendar quarter, to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory, as defined by NPA Reg. 1, as amended, whichever is less.

SEC. 6. *Ship repair yard's use of rating or allotment symbol, increase of inventory, and inventory limitation*—(a) *Controlled materials.* Ship repair yards shall apply the allotment symbol R–9 to obtain controled materials for use as MRO or minor capital additions. A ship repair yard shall obtain the controlled materials required by it for ship repairs in accordance with the provisions of CMP Regulation No. 1 by filing an application on Form CMP–4B with the Ordnance and Shipbuilding Division of NPA.

(b) *Increase of inventory and inventory limitation on materials other than controlled materials.* A ship repair yard may apply the DO–R–9 rating to obtain stocks of inventory of materials other than controlled materials for delivery during any calendar quarter to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory, as defined by NPA Reg. 1, as amended, whichever is less.

SEC. 7. *Foreign flag vessel's use of rating and allotment symbol.* (a) The DO–R–9 rating and allotment symbol R–9 herein assigned may not be applied to obtain MRO or minor capital additions for a foreign flag vessel unless specifically authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF–104 and shall be filed within the first 30 days of each calendar quarter with the National Production Authority, Washington 25, D. C. Such applications should be made whenever practicable for the entire fleet of vessels belonging to an owner.

(b) The allotment symbol R–9 may be used to acquire only that quantity of controlled materials actually needed for MRO and minor capital additions for on-board ship repairs.

(c) A foreign flag vessel which is damaged at sea and cannot continue safely to its own port, but which is able, under its own power or otherwise, to reach a port in the United States for repairs, may, in such emergency, apply to NPA, Ref. M–70, for MRO by telegraph or radiogram, describing the damage sustained, the estimated costs of repairs or replacements therefor, the identification of the vessel, and all other pertinent facts. Such telegram or radiogram application shall be confirmed and supplemented immediately by filing Form NPAF–104 in triplicate with NPA.

(d) The right is given to any foreign flag vessel not having established an MRO quota, to apply the DO–R–9 rating to obtain ship stores and materials for minor emergency repairs (excluding fuel and comestibles), the total cost of which does not exceed $1,000 for any one vessel entering a given port in the United States or its territories or possessions, without filing an application on Form NPAF–104 prior to obtaining such materials or supplies. However, Form NPAF–104 shall be immediately filled out and submitted to NPA for record purposes. Such form shall state that such materials or supplies have already been obtained.

(e) If, in the last calendar quarter of 1950, or in the first calendar quarter of 1951, a person operated more than one vessel, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO and for minor capital additions, he may elect to treat any one or more of such units as a separate person for the purposes of this order, or he may elect to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(f) Nothing in this section shall be construed as permitting any exportation except in conformity with the export license requirements of the Office of International Trade.

SEC. 8. *Canadian flag vessel's use of rating and allotment symbol.* Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as is provided in section 7 of this order and, when so authorized, shall apply the DO–R–9 rating and allotment symbol R–9 and shall not apply the DO–G–6 or G–7 ratings provided for by NPA Reg. 3.

SEC. 9. *Application and certification of rating and allotment symbol.* (a) *By water transportation system consumer and supplier.* When applying a rating pursuant hereto, a water transportation system consumer or supplier shall place upon an order, or on a separate piece of paper attached to the order, the rating DO–R–9 and/or allotment symbol R–9, together with the words "Certified under NPA Order M–70". Such certification shall constitute a representation to NPA and to his supplier that, subject to the criminal penalties provided for in applicable statutes of the United States, the water transportation consumer or supplier is authorized by the provisions of this order to apply the rating DO–R–9 and/or allotment symbol R–9 to a purchase order, and that the person using said rating is authorized to do so as provided in this order. Such certification shall be signed as provided in NPA Reg. 2.

(b) *By ship repair yard.* A ship repair yard when applying a DO–R–9 rating or allotment symbol R–9 shall certify his order in accordance with paragraph (a) of this section.

(c) *By foreign flag and Canadian vessels.* The DO rating and allotment symbol and the certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number, if any, assigned by NPA in granting the assistance.

SEC. 10. *Limitation on application of rating and allotment symbol.* No person shall apply the DO–R–9 rating or allotment symbol R–9 to obtain products or materials:

(a) For any unauthorized purpose or for quantities or amounts greater than required for an authorized purpose under this order,

(b) Which can be obtained within the time required without the use of rating or allotment symbol, or

(c) The use of which products or materials can be eliminated without serious loss of efficiency by substitution of less scarce materials.

SEC. 11. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, products or materials which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 12. *Applicability to other orders and regulations.* The provisions of CMP Regulation No. 5, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO–R–9 rating may not be applied under this order to the items listed in Schedule I to CMP Regulation No. 5, as amended; List A of NPA Reg. 2, as amended; and Direction 3 to NPA Reg. 2, as amended. The provisions of NPA Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that such provisions are inconsistent with this order.

SEC. 13. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 14. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit,

whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other protographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 15. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-70.

SEC. 16. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3787; Filed, Mar. 31, 1952; 4:07 p. m.]

[CMP Regulation No. 3, as Amended March March 31, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects CMP Regulation No. 1, as amended, by adding a new paragraph (d) to section 11 which reads as follows:

(d) (1) Except as otherwise provided in this paragraph, a manufacturer of a Class B product who has received an authorized production schedule and related allotment from an Industry Division or a Claimant Agency shall not use the allotment number accompanying any DO rating received by him from a customer in obtaining controlled materials for such production.

(2) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, on and after March 31, 1952, receives, from a customer for such Class B product, a DO rated order which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, shall use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the program identification B-5; for example, P-2-B-5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P-2-B-5-3Q52.

(3) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, prior to March 31, 1952, received, from a customer for such Class B product, a DO rated order which has not been filled and which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, may use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the program identification B-5; for example, P-2-B-5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P-2-B-5-3Q52.

(4) Any person who receives a DO rated order identified by the suffix B-5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class B product covered by such DO rated order who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency for such Class B product, use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the suffix program identification B-5; for example, if such a person has received the allotment number M-3 from an Industry Division and the rating DO-P-2-B-5 from his customer, he shall use the allotment number as follows: M-3-B-5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, M-3-B-5-3Q52. Any person who receives a DO rated order identified by the suffix B-5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class A product covered by such DO rated order who has received an authorized production schedule for such Class A product from his customer, use the allotment number and quarterly identification in the form received from his customer in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order.

(5) Any authorized controlled material order placed on or after May 1, 1952, pursuant to subparagraphs (2), (3), or (4) of this paragraph, and identified by the suffix B-5, shall be deemed an authorized controlled material order bearing the program identification contained in such suffix for the purposes of NPA Order M-1 (steel), NPA Order M-5 (aluminum), NPA Order M-11 (copper), and any other applicable regulation or order of NPA.

(6) For the purposes of this paragraph, a manufacturer of a Class B product who operates under the self-authorization provisions of Direction 1 to CMP Regulation No. 1 shall be deemed a manufacturer of a Class B product who has received an authorized production schedule with an allotment number and a related allotment from an Industry Division or a Claimant Agency.

(7) Nothing in this paragraph shall be construed to permit a manufacturer of a Class A or a Class B product to obtain controlled materials or to make allotments in excess of the related allotment received by him.

(8) Notwithstanding any of the provisions of this paragraph, no manufacturer of a Class B product shall be required to append the suffix program identification B-5 to the allotment number received with his authorized production schedule from an Industry Division or a Claimant Agency, to obtain controlled materials or Class A products where the quantities of such controlled materials or Class A products are insignificant in relation to the total procurement of controlled materials or Class A

products by such manufacturer to fulfill all his authorized production schedules for Class B products.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3785; Filed, Mar. 31, 1952; 4:07 p. m.]

[CMP Regulation No. 3, Amended March 31, 1952]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

This amended CMP regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the regulation affects many different industries. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 3, 1951.

This amendment affects CMP Regulation No. 3, as amended September 13, 1951, as follows: The title is deleted and a new title is substituted therefor; paragraph (b) of section 4 is deleted and paragraph (c) of section 4 is redesignated paragraph (b); paragraph (a) of section 5 is deleted and paragraphs (b) and (c) of section 5 are redesignated paragraphs (a) and (b), respectively; paragraph (f) of section 6 is deleted and a new paragraph (f) is substituted therefor.

As amended, CMP Regulation No. 3 reads as follows:

Sec.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law. 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this regulation does.* The purpose of this regulation is to define, under the Controlled Materials Plan, the preference status of delivery orders for controlled materials and delivery orders for products and materials other than controlled materials.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Production material" means, with respect to any person, any product (including fabricated parts and subassemblies) or any material (excluding controlled material) which will be physically incorporated into his product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes: (1) Containers and packaging materials required to make delivery of his products, (2) chemicals used directly in the production of his products, and (3) items which he purchases for resale to round out his line, if such items do not represent more than 10 percent of his estimated total sales receipts in a calendar quarter for which he files an application for allotment. It does not include any items purchased by him as manufacturing equipment, or for maintenance, repair, or operating supplies as defined in CMP Regulation No. 5.

(b) "Allotment number" or "allotment symbol" means an allotment number or symbol placed on a delivery order pursuant to this regulation or any other regulation or order of NPA which expressly provides for the use of such allotment number or symbol.

SEC. 3. *General status of delivery orders.* (a) To the extent consistent with this regulation, the provisions of NPA Reg. 2 apply to all delivery orders except authorized controlled material orders.

(b) A delivery order pursuant to a directive issued by NPA shall take precedence over any other delivery order (including an authorized controlled material order) previously or subsequently received, unless a contrary instruction appears in the directive.

SEC. 4. *Status of delivery orders for controlled materials.* (a) All authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1) shall have equal preferential status and shall take precedence over other delivery orders for controlled material previously or subsequently received.

(b) A delivery order for controlled material (whether or not it bears a DO rating) calling for delivery after June 30, 1951, may be converted into an authorized controlled material order in accordance with the provisions of section 19 of CMP Regulation No. 1, except that where an allotment symbol (such as the symbol MRO provided for in CMP Regulation No. 5) is to be applied to a delivery order under this paragraph, the certification provided in the applicable regulation or order of NPA shall be used. A delivery order for controlled material calling for delivery after June 30, 1951, which has been converted into an authorized controlled material order shall be scheduled for delivery on the original delivery date, unless the person who placed such order agrees to a different delivery date.

SEC. 5. *Status of delivery orders for products or materials other than controlled materials.* (a) All delivery orders for products or materials other than controlled materials bearing a DO rating, whether or not an allotment number or symbol has been applied, calling for delivery on or after October 1, 1951, shall have equal preferential status and shall take precedence over other delivery orders for products or materials other than controlled materials previously or subsequently received.

(b) A delivery order for products or materials other than controlled materials (whether or not it bears a DO rating) calling for delivery after June 30, 1951, may be converted into a delivery order bearing a DO rating with an allotment number or symbol either by (1) furnishing a revised copy of the order showing a DO rating with the appropriate allotment number or symbol, or (2) furnishing in writing information clearly identifying the order and setting forth a DO rating with the appropriate allotment number or symbol. Such delivery order or confirmation having a DO rating with an allotment number must also bear the certification provided in section 6 (d) of this regulation, and such delivery order or confirmation having a DO rating with an allotment symbol (such as the symbol MRO provided for in CMP Regulation No. 5) must also bear the certification provided in the applicable regulation or order of NPA. A delivery order for products or materials other than controlled materials calling for delivery after June 30, 1951, which has been converted into a delivery order bearing a DO rating with an allotment number or symbol shall be scheduled for delivery on the original delivery date, unless the person who placed such order agrees to a different delivery date.

SEC. 6. *How DO ratings and allotment numbers are assigned and used to obtain products or materials other than controlled materials.* (a) When a production schedule of a prime consumer making Class A or Class B products is authorized and a related allotment is made to him by a Claimant Agency or an Industry Division, a DO rating shall be assigned to such schedule by such Claimant Agency or Industry Division for use with the related allotment number.

(b) When a production schedule of a secondary consumer making Class A products is authorized and a related allotment is made to him by the prime or secondary consumer for whom such products are to be made, the consumer making the allotment shall apply or extend a DO rating to such schedule for use with the related allotment number.

(c) A prime or secondary consumer who has received a DO rating for an authorized production schedule as provided in this section, and a controlled materials producer who has received a DO rating pursuant to section 21 of CMP Regulation No. 1, may use such rating with the related allotment number on delivery orders, only to acquire production materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill such schedule, or to replace in his inventory

production materials used to fulfill authorized production schedules.

(d) A delivery order placed pursuant to paragraph (c) of this section must contain, in addition to a DO rating with an allotment number, a certification in the following form: "Certified under CMP Regulation No. 3," which shall be signed manually or as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this regulation to obtain the products or materials covered by the delivery order.

(e) A person placing a delivery order for products or materials other than controlled materials, required for maintenance, repair, or operating supplies, or for minor capital additions, pursuant to CMP Regulation No. 5, shall place thereon a DO rating with the allotment symbol MRO together with the certification provided in CMP Regulation No. 5.

(f) (1) Except as otherwise provided in this paragraph, a manufacturer of a Class B product who has received an authorized production schedule with a DO rating and an allotment number from an Industry Division or a Claimant Agency shall not extend any DO rating received by him from a customer in obtaining production materials for such production, but he may extend any DX rating which he receives, to the extent permitted by NPA Reg. 2.

(2) A manufacturer of a Class B product who has received an authorized production schedule with a DO rating and an allotment number from an Industry Division or a Claimant Agency and who, on and after March 31, 1952 receives, from a customer for such Class B product, a DO rated order which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, shall extend the DO rating received from such Industry Division or Claimant Agency in obtaining production materials needed to fulfill such rated order or to replace in inventory production materials used in the manufacture of the product covered by such rated order, by appending as a suffix to the DO rating and allotment number received with his authorized production schedule, the program identification B–5, for example, DO–P–2–B–5.

(3) A manufacturer of a Class B product who has received an authorized production schedule with a DO rating and an allotment number from an Industry Division or a Claimant Agency and who, prior to March 31, 1952 received, from a customer for such Class B product, a DO rated order which has not been filled and which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, may extend the DO rating received from such Industry Division or Claimant Agency in obtaining production materials needed to fulfill such rated order or to replace in inventory production materials used in the manufacture of the product covered by such rated order, and he may convert any outstanding orders for such production materials, by appending as a suffix to the DO rating and allotment number received with his authorized production schedule, the program identification B–5; for example, DO–P–2–B–5. A manufacturer who desires to convert such an outstanding order shall furnish the supplier who has accepted such order with a revised copy of the order setting forth the DO rating followed by the suffix B–5 or by furnishing in writing information clearly identifying the order and setting forth the DO rating followed by the suffix B–5.

(4) Any person who receives a DO rated order identified by the suffix B–5 shall, if he is a manufacturer of a Class B product covered by such DO rated order who has received an authorized production schedule with a DO rating and an allotment number from an Industry Division or a Claimant Agency for such Class B product, extend the DO rating received from such Industry Division or Claimant Agency in obtaining production materials needed to fulfill such rated order or to replace in inventory production materials used in the manufacture of the product covered by such rated order, and he may convert any outstanding orders for such production materials, by appending as a suffix to the DO rating and allotment number received with his authorized production schedule, the suffix program identification B–5; for example, if such a person has received the rating DO–M–3 from an Industry Division and the rating DO–P–2–B–5 from his customer, he shall extend the rating as follows: DO–M–3–B–5. Any person who receives a DO rated order identified by the suffix B–5 shall, if he is a manufacturer of a Class A product covered by such DO rated order who has received an authorized production schedule for such Class A product from his customer, extend the DO rating in the form received from his customer in obtaining production materials needed to fulfill such rated order or to replace in inventory production materials used in the manufacture of the product covered by such rated order, and he may convert any outstanding orders for such production materials. A manufacturer who desires to convert such an outstanding order shall furnish the supplier who has accepted such order with a revised copy of the order setting forth the DO rating followed by the suffix B–5 or by furnishing in writing information clearly identifying the order and setting forth the DO rating followed by the suffix B–5. Any person who receives a DO rated order identified by the suffix B–5, and who has not received an authorized production schedule for the product or material (other than controlled material) covered by such DO rated order, may extend the DO rating in the form received from his customer.

(5) Any DO rated order placed or converted (in which event it shall retain its original delivery date) pursuant to subparagraphs (2), (3), or (4) of this paragraph, and identified by the suffix B–5, shall be deemed a DO rated order bearing the program identification contained in such suffix for the purposes of NPA Reg. 2 and any other applicable regulation or order of NPA.

(6) For the purposes of this paragraph, a manufacturer of a Class B product who operates under the self-authorization provisions of Direction 1 to CMP Regulation No. 1 shall be deemed a manufacturer of a Class B product who has received an authorized production schedule with a DO rating from an Industry Division or a Claimant Agency.

(7) Nothing in this paragraph shall be construed to permit a manufacturer of a Class A or a Class B product to obtain production materials in excess of the minimum practicable amounts required to fulfill the related authorized production schedule.

(8) Notwithstanding any of the provisions of this paragraph, no manufacturer of a Class B product shall be required to append the suffix program identification B–5 to the DO rating and allotment number received with his authorized production schedule from an Industry Division or a Claimant Agency, to obtain production materials where the quantities of such production materials are insignificant in relation to the total procurement of production materials by such manufacturer to fulfill all his authorized production schedules for Class B products.

(g) A person who receives a delivery order bearing a DO rating with an allotment number or symbol for any product or material (other than controlled material) which is not manufactured by him, or which is manufactured by him but for the manufacture of which he has received no authorized production schedule, may extend such DO rating to the extent permitted by NPA Reg. 2, and if he does so he shall use such allotment number or symbol and the form of certification prescribed in paragraph (d) of this section.

(h) Purchase requirements for products or materials other than controlled materials covered by a DO rating with an allotment number or symbol may be combined with those which are unrated and/or which are covered by a DO rating without an allotment number or symbol. If this procedure is followed each item covered by a rating must be specifically identified by placing the applicable rating alongside the related item, and such delivery order must contain the certification provided in paragraph (d) of this section. Such single certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place the order under all applicable regulations and orders of NPA.

(i) No person shall place any allotment number or symbol on any delivery order for products or materials other than controlled materials, except as provided in this section or as specifically provided in any other regulation or order of NPA.

SEC. 7. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 8. *Records and reports.* Persons subject to this regulation shall maintain such records and submit such reports to

NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 9. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 3.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect March 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3786; Filed, Mar. 31, 1952; 4:07 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 35 to Schedule A]

[Rent Regulation 2, Amdt. 33 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective April 1, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh.....	B	Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Rosslyn Farms, and Wilkinsburg, and the townships of Crescent, Mount Lebanon, Ohio, and Penn; Armstrong County; Beaver County, except the township of Brighton; Lawrence County, except the borough of New Wilmington; Westmoreland County; in Butler County, the city of Butler; Fayette County, except the townships of Henry Clay, Stewart and Wharton; in Green County, the townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the townships of East Finley, Morris, South Franklin, and West Finley.	Mar. 1, 1942	July 1, 1942
	C	That part of Beaver County North and East of the Ohio River, except the townships of Economy, Harmony, and Brighton, and the boroughs of Ambridge, Baden, and Conway, and (effective Feb. 28, 1952) that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1952	Feb. 28, 1952
		In Beaver County, the townships of Potter and Center and the borough of Monaca.	.....do.....	Apr. 1, 1952
	A	In Beaver County, Brighton Township.	.....do.....	Feb. 28, 1952

The effect of these amendments is (1) to decontrol as of February 28, 1952 Class C housing accommodations in that part of the Borough of Ellwood City which lies in Beaver County, Pennsylvania, and (2) to place under rent control as of April 1, 1952 Class C housing accommodations in the Townships of Potter and Center and the Borough of Monaca in said Beaver County.

[F. R. Doc. 52-3724; Filed, Apr. 1, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 51 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective April 1, 1952, Rent Regulation 3 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(267) Pittsburgh.....	Pennsylvania..	That part of Beaver County north and east of the Ohio River, except the townships of Economy and Harmony, and the boroughs of Ambridge, Baden, and Conway, and (effective Feb. 28, 1952), that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
		In Beaver County, the townships of Potter and Center and the borough of Monaca.	.....do.....	Apr. 1, 1952

The effect of this amendment is (1) to decontrol as of February 28, 1952 that part of the Borough of Ellwood City which lies in Beaver County, Pennsylvania, and (2) to place under rent control as of April 1, 1952 the Townships of Potter and Center and the Borough of Monaca in said Beaver County.

[F. R. Doc. 52-3723; Filed, Apr. 1, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 23]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office

in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby suspended until 11:59 p. m., April 30, 1952, only to the extent it applies on refrigerator cars.

It is further ordered, that this amendment shall become effective at 7:00 a. m., April 1, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3727; Filed, Apr. 1, 1952; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 78]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
023098	Hides and skins, raw, n. e. c. (include whole skins and parts thereof): Buffalo hides; goat skins; kangaroo skins; kid skins; and wallaby skins. [1]	No.	LEAT	100	RO

[1] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 023098. The effect of this revision is to remove from the Positive List the following raw hides and skins, including whole skins and parts thereof: antelope skins, ass hides, caribou hides, colt hides, deer skins, donkey hides, elk skins, gazelle skins, horse hides, moose hides, mules hides, and pony hides.

This part of the amendment shall become effective as of 12:01 a. m., March 25, 1952.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
032400	Sole leather (bends, backs, and sides) (report scrap leather in 035900).
032500	Boot and shoe cut stock.
033210	Sole, welting, and belting leather offal.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of March 25, 1952.

KARL L. ANDERSON, *Acting Director, Office of International Trade.*

[F. R. Doc. 52-3693; Filed, Apr. 1, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 972]

[Docket No. AO-177-A11]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agrement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Gallipolis, Ohio, on January 24, 1952, pursuant to notice thereof which was issued on January 16, 1952 (17 F. R. 613).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on March 18, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on March 21, 1952 (17 F. R. 2442).

Within the period reserved therefor interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

The only material issue of record related to establishment of an automatic adjustment of Class I and Class II prices in response to changes in the relationship between market supply and market demand.

Findings and conclusions. The following findings and conclusions on the material issue are hereby made on the basis of the record of the hearing.

Provision should be made for automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand.

Although the present provisions for establishing Class I and Class II prices have usually resulted in appropriate prices, conditions have arisen in the past which necessitated hearings to amend such provisions in order to keep supply in proper alignment with demand. Such a procedure is time consuming and it is expected that the proposed amendment will tend toward the need for fewer hearings because of more prompt and timely automatic adjustments in these prices.

It is difficult to predict with accuracy what level of prices will be necessary to assure that the market will be adequately supplied with milk in the forthcoming months. If the market is adequately supplied, the proposed amendment will have little or no effect on Class I and Class II prices, but if the supply is short the proposed amendment will increase Class I and Class II prices and be an incentive for a larger supply. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It is concluded that the measure of the current relationship between market supply and market demand should be based on the ratio of gross Class I utilization to total receipts from producers in a two month period comprising the first and second months preceding the month for which a price is being computed. This ratio is hereinafter referred to as "current utilization percentage." Many factors affect market supply and demand, but gross Class I utilization and total receipts from producers reflect the net effect of all these factors. Extension of recent changes appears to be the most accurate means

of estimating current and prospective supply and demand conditions.

Use of a two month period is desirable in order to reflect quickly any changes in supply and demand. However, an adjustment based on a short period of this kind may to some extent reflect random changes in utilization which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the net utilization percentages and setting limits on the amount of the adjustment. (Net utilization percentages are computed by algebraically subtracting the current utilization percentage from the standard (or base) utilization percentage.) The net utilization percentage groups are in such intervals that no adjustment occurs until the net utilization percentage is plus or minus 3 or 4. The next net utilization percentage group applies to net utilization percentages of plus or minus 6 or 7. In the case of any net utilization percentage falling between groups, the amount of the adjustment is determined by the adjacent group which is the same as or nearest to the net utilization percentage group used in the previous month. For example, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 3 or 4 if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 6 or 7 if the adjustment during the previous month had been determined by a net utilization percentage of 6 or 7 or higher. The maximum adjustments provided for are 25 cents, 38 cents and 50 cents per hundredweight. Any conditions which develop that might warrant price adjustments beyond these limits should be considered at a hearing.

It was proposed that if the net utilization percentage in the first month in which this supply-demand adjustment is in effect does not fall within a tabulated bracket, then the bracket which would have been used in the previous month had the supply-demand adjustment been in effect should be used in determining the adjustment. This appears reasonable and should be adopted.

It was proposed that the relationship between gross Class I and Class II utilization and receipts from producers in the second and third months preceding the month for which a price is being computed be used as a measure of current supply and demand conditions. In support of the proposal to use the combined volume of Class I and Class II milk as a measure of market demand, it was asserted that all products comprising those classes must be made, pursuant to local health regulations, from locally approved milk, i. e., producer milk. However, in every month since the order has been in effect, some other source milk has been classified in Class II, and in several months in each of the last six years over half of the total volume of Class II milk has been other source milk. Since Class II has not been wholly supplied from producer milk in the past and the indications are that it cannot be in the near future, the amounts of producer milk in Class II would not serve as a reliable index of demand for producer milk. It appears more practical therefore to use only sales of Class I milk as an index of demand for producer milk in the construction of an automatic price adjustment based on change in supply and sales in the market.

At the hearing handlers and producers agreed that the relationship of supply and sales in the first and second months preceding the month for which a price is being computed would be more desirable than the similar relationship for the second and third preceding months because the relationship in the first and second preceding months would be more current.

It is doubtful if the lag occasioned by using the first and second months preceding the month for which a price is being computed to measure changes in the market supply-demand relationship will be great enough to disrupt the effectiveness of the automatic price adjustments sought. Use of the first and second preceding months will permit announcement each month of the effect on Class I and Class II prices of these provisions not later than the 10th day of the month to which it applies.

The provisions for adjusting Class I and Class II prices should be constructed in such a manner that no price adjustment results when market supply and demand are in proper balance—that is, when the market is adequately supplied. Representatives of producers testified that the relationship which existed during 1949 between supplies and market requirements was desirable and would serve as a proper basis for establishing a normal or standard relationship between market supply and demand. Analysis of the 1949 relationship indicates that the seasonal variation which occurred in the relationship during that year was somewhat at variance from what might be considered a normal seasonal variation for the market. It is concluded that the relationship which existed in November, the month of shortest supply in 1949, is appropriate for use as a measure of the standard relationship between market supply and demand in that month, and that the standard relationship in the other months of the year, based on the seasonal variation in the past few years, should be as follows:

January	99	July	65
February	96	August	69
March	90	September	81
April	81	October	94
May	65	November	103
June	62	December	101

Standard utilization percentages (computed from these figures) for each two-month period during a year would be as follows:

2-month period	Standard utilization percentage	Month during which such ratio would be used in computing Class I price
January-February	98	March.
February-March	93	April.
March-April	86	May.
April-May	73	June.
May-June	64	July.
June-July	64	August.
July-August	67	September.
August-September	75	October.
September-October	88	November.
October-November	98	December.
November-December	102	January.
December-January	100	February.

If the current utilization percentage in the first and second months preceding the month for which prices are being computed varies from the standard utilization percentages shown above, the Class I and Class II prices should be adjusted in the same direction—upward if the current utilization percentage exceeds the standard utilization percentage, and downward if the reverse is true. For each percentage point of variation, the Class I and Class II prices should change as follows: 2 cents upward and 4 cents downward during each of the months of April through July; 3 cents during each of the months of August, September, January, February and March; and 4 cents upward and 2 cents downward during each of the months of October through December. Analysis of Class I and Class II prices and the ratio of gross Class I utilization to total receipts from producers shows that in recent years the proposed adjustment would have resulted in reasonable prices. It should continue to do so. Seasonally varying adjustments should give additional incentive toward reducing the seasonal variation in receipts from producers. These rates of adjustment to be associated with changes in the supply-demand relationship are the same as those used in other marketing orders in Ohio. The record fails to show the need for different rates in the Tri-State order.

The order has contained since 1949 provisions pursuant to which Class I and Class II prices are increased 25 cents in October, November, December, and January if the percentage of producer milk classified in Class III during a prescribed 12 month period drops below a certain limit and are decreased 25 cents in April, May, June, and July if the percentage of producer milk classified in Class II during another 12 month period exceeds a certain limit. These provisions have increased the Class I and Class II prices 25 cents in October, November, December and January of each year since they have been in effect and the resulting level of prices has not been high enough to cause any increase in producer milk supplies in relation to market requirements. It is therefore concluded that the amounts to be added to the basic formula price (subject to adjustment by the supply-demand adjustment herein proposed) in computing Class I and Class II prices should be increased 25 cents in October, November, December, and January.

This will retain the same seasonal variation in Class I and Class II prices that has existed in the past three years, except to the extent that the seasonal variation is altered by the supply-demand adjustment, and the supply-demand adjustment probably will yield some additional seasonal variation in Class I and Class II prices.

Producers proposed that standard relationships be established between producer milk supply and requirements for the market as a whole and for Huntington district plants and that the price adjustment be based on the deviation from the standard relationship for either the total market or the Huntington district plants using whichever deviation was widest.

Handlers who operate Huntington district plants have for several years used other source milk to supplement their producer milk supplies in the season of low production, but the extent to which they have used other source milk has increased substantially in the last year or two. Accordingly the volume of producer milk has declined in relation to gross Class I utilization in Huntington district plants and the deviation from the proposed standard relationship is now greater for Huntington district plants than for the market as a whole. Therefore the relationship at Huntington district plants would result in greater upward adjustments in prices than the relationship for the market as a whole.

There is some indication that this decline in producer milk supply at Huntington district plants in relation to the requirements of such plants may have been due to some extent to handlers' decisions to rely on other source milk for supplemental supplies to a larger extent than formerly. It is concluded that the use of the relationship for Huntington district plants could result in some undesirable and unjustified price adjustments and that the relationship for the total market should be used. The relationship at Huntingdon district plants will have some effect on the relationship for the total market but, with the maximum adjustments herein provided, it is doubtful if the result will be unduly affected.

Producers proposed provisions which in certain months and under certain conditions would override the operation of the supply-demand adjustment. Reasons given in support of such provisions with respect to the months of July, August, September, and October indicate that the conditions sought to be corrected resulted from use in the proposal of a base period relationship between supply and demand which did not reflect normal seasonal variation in the relationship and from an abnormal seasonal variation in the relationship in 1951. The base period relationships and the use of the first and second rather than the second and third preceding months should to a large extent correct the conditions sought to be corrected by the overriding provisions in July, August, September, and October. The proposed overriding provisions to some extent tend to prevent the supply-demand adjustment provisions from reflecting quickly price changes in response to changes in the relationship to supply and demand, and should not be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handing of Milk in the Tri-State Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 972.0 to 972.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 972.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 972.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 972.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 972.40 and 972.44.

§ 972.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 972.5 *Tri-State marketing area.* "Tri-State marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Ashland, Kentucky; Huntington and Parkersburg, West Virginia; Marietta, Ironton, and Gallipolis, Ohio; and all territory lying within Athens and Scioto Counties, Ohio, including but not limited to all municipal corporations in said counties.

§ 972.6 *Huntington district.* "Huntington district" means that portion of the marketing area lying within the corporate limits of the cities of Ashland, Kentucky; Huntington, West Virginia; and Ironton and Gallipolis, Ohio.

§ 972.7 *Route.* "Route" means delivery route (including a plant store) on which milk, skim milk, buttermilk, flavored milk, or flavored milk drink is distributed for consumption in fluid form to wholesale or retail stops other than to any milk plant(s).

§ 972.8 *Fluid milk plant.* "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided,* That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

§ 972.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk processing or manufacturing plant not a fluid milk plant described in § 972.8.

§ 972.10 *Producer.* "Producer" means a person who produces milk received:

(a) At a fluid milk plant,

(b) At a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant, or

(c) By an association in its capacity as a handler: *Provided,* That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community for which his milk is produced.

§ 972.11 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 972.10.

§ 972.12 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 972.13 *Handler.* "Handler" means:

(a) A person who operates a fluid milk plant, or

(b) An association of producers with respect to milk customarily received as producer milk at a fluid milk plant which is diverted by such association within April, May, June or July on its account from a fluid milk plant to a nonfluid milk plant.

§ 972.14 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers, and

(b) Operates a route extending into the marketing area.

§ 972.15 *Huntington district plant.* "Huntington district plant" means a fluid milk plant:

(a) Located within the Huntington district, or

(b) Located outside the marketing area from which 50 percent or more of its disposition of milk in the marketing area is in the Huntington district.

§ 972.16 *Other source milk.* "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not received from a producer, or from a fluid milk plant, but:

(a) Contained in milk, skim milk, or cream, or

(b) Used to produce any milk product.

MARKET ADMINISTRATOR

§ 972.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 972.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 972.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted, to the market administrator;

(d) Pay, out of the funds provided by § 972.71:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 972.75 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 15 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 972.25 or 972.26, or

(2) Payments pursuant to §§ 972.65, 972.66, 972.68, or 972.70 through 972.81;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each association of producers with respect to producers whose membership in such association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the class prices and butterfat differentials computed pursuant to §§ 972.41 through 972.44; and

(2) On or before the 10th day after the end of such delivery period, the uniform prices computed pursuant to §§ 972.61 and 972.62 and the butterfat differential computed pursuant to § 972.70.

REPORTS, RECORDS, AND FACILITIES

§ 972.25 *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report the following to the market administrator with respect to all producer milk received, all other source milk received at a fluid milk plant, and all skim milk and butterfat received in any form at a fluid milk plant from any other fluid milk plant, within such delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 972.26 *Other reports.* Handlers shall submit other reports as follows:

(a) The intention to receive other source milk shall be reported by the receiving handler on or before the first day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(c) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the delivery period, which shall show:

(1) The total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk,

(2) The amount of payment to each producer and association of producers, and

(3) The nature and the amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 972.27 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and associations of producers, and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 972.28 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 972.30 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources within the delivery period by a handler at his fluid milk plant(s), and all producer milk received within the delivery period in the manner described in § 972.13 (b), shall be classified by the market administrator pursuant to §§ 972.31 through 972.34.

§ 972.31 *Classes of utilization.* Subject to the conditions set forth in §§ 972.32 through 972.34, the skim milk and butterfat described in § 972.30 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk, skim milk (except as provided in paragraph (c) (2) and (3) of this section), or flavored milk or flavored milk drink; and

(2) Not specifically accounted for under subparagraph (1) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as cream or any mixture of cream and milk (or skim milk) containing not less than 6 percent of butterfat, or buttermilk (except as provided in paragraph (c) (2) of this section).

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraphs (a) (1) or (b) of this section;

(2) Dumped or disposed of for livestock feeding as skim milk or buttermilk;

(3) Disposed of as bulk skim milk to any manufacturer of candy, soup, or

bakery products who does not dispose of milk in fluid form;

(4) In actual plant shrinkage of producer milk computed pursuant to § 972.32 (d) but not in excess of 2 percent thereof; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 972.32 (d).

§ 972.32 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by:

(1) Combining the shrinkage thereof for all fluid milk plants operated by the handler, and

(2) Combining in a separate sum the shrinkage thereof for all nonfluid milk plants operated by him to which any skim milk or butterfat has been transferred from any of his fluid milk plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section in such nonfluid milk plants between:

(1) Skim milk or butterfat, respectively, transferred from any of his fluid milk plants, and

(2) Skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage of skim milk or butterfat, respectively, transferred from the handler's fluid milk plants to his nonfluid milk plants, computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between producer milk and other source milk at his fluid milk plants after deducting from the total receipts therein, the receipts from fluid milk plants other than his own.

§ 972.33 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 972.34 *Transfers.* Skim milk or butterfat transferred from a handler's fluid milk plant to any other plant shall be classified as Class I milk if so transferred as any item listed in § 972.31 (a) (1) and as Class II milk if so transferred as any item listed in § 972.31 (b):

(a) To another fluid milk plant of a handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the fluid milk plant of the transferee handler after the subtraction of other source milk pursuant to § 972.36 (a) (2), and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class;

(b) To a producer-handler; and

(c) To a nonfluid milk plant unless:

(1) Other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transfer was made,

(2) The buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit, and

(3) Such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such buyer's plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in § 972.31 were applicable to such buyer's plant.

§ 972.35 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

§ 972.36 *Allocation of skim milk and butterfat classified.* The classification of skim milk and butterfat in producer milk shall be determined as follows:

(a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in plant shrinkage pursuant to § 972.31 (c) (4).

(2) Subtract from the pounds of skim milk remaining in each class after making the deduction pursuant to subparagraph (1) of this paragraph, in series beginning with the lowest-priced available class, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other fluid milk plants in such classes pursuant to § 972.34 (a);

(4) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 972.40 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by §§ 972.41 through 972.43 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b), or (c) of this section computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, including in such average the quotations published for any fractional part of the previous delivery period which were not published and

available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 972.41 *Class I milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to § 972.40 adjusted as follows:

(a) Add the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$1.10	$0.90
March, April, July, and August	1.20	1.00
September and February	1.35	1.15
October, November, December, and January	1.60	1.40

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants of handlers in the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which price is being computed:	*Standard utilization percentage*
January	102
February	100
March	98
April	93
May	86
June	73
July	64
August	64
September	67
October	75
November	88
December	98

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified delivery period is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−36	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first delivery period this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

§ 972.42 *Class II milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight of a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk shall be the Class I milk price determined pursuant to § 972.41 minus 30 cents.

§ 972.43 *Class III milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk, shall be the basic formula price.

§ 972.44 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 1.0 cent.

(b) *Class II milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 0.5 cent.

(c) *Class III milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period and divide the result by 10.

§ 972.45 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

§ 972.46 *Prices for Class I, Class II, and Class III milk disposed of outside the marketing area.* The price for Class I, Class II, and Class III milk disposed of outside the marketing area by a handler shall be those applicable, respectively, pursuant to §§ 972.41 through 972.43, to Class I, Class II, and Class III milk disposed of by such handler in the marketing area.

§ 972.47 *Price of Class I or Class II milk transferred by one handler to another handler.* The price of Class I or Class II milk transferred by a handler to another handler shall be that applicable to Class I or Class II milk at the selling handler's fluid milk plant, pursuant to §§ 972.41 and 972.42: *Provided*, That any hauling charge with respect thereto chargeable to producers or to associations of producers shall not exceed that customarily applied to deliveries of such producers from their farms to the selling handler's fluid milk plant.

APPLICATION OF PROVISIONS

§ 972.50 *Producer-handlers.* Sections 972.30 through 972.47 and §§ 972.60 through 972.76 shall not apply to a producer-handler. Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affect his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effective retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the delivery period during which verification of such eligibility is made.

§ 972.51 *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

§ 972.52 *Milk caused to be delivered by an association of producers.* Milk referred to in this part as received from producers by a handler shall include producer milk caused to be delivered to such handler by an association of producers which is not a handler and which is authorized to collect payment for such milk.

§ 972.53 *Diverted milk.* Producer milk diverted by an operator of a fluid milk plant from such plant to a nonfluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted. Producer milk diverted by an association of producers from a fluid milk plant to a nonfluid milk plant shall be deemed to have been received by such an association.

DETERMINATION OF UNIFORM PRICES

§ 972.60 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by (a) multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and (b) adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class determined pursuant to § 972.36 (a) (5) and (b) by the applicable class prices.

§ 972.61 *Computation of uniform price for plants other than Huntington district plants.* For each delivery period the market administrator shall compute the "uniform price" per hundredweight to be paid to producers and to associations of producers for milk of 3.5 percent butterfat content received at fluid milk plants other than Huntington district plants, as follows:

(a) Combine into one total the values computed pursuant to § 972.60 for all handlers who made the reports prescribed by § 972.25, except those in default of the payments prescribed in § 972.68 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 972.69;

(c) Subtract, if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.70, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Subtract an amount computed by multiplying by 20 cents the total hundredweight of Class I milk and Class II milk in producer milk at all Huntington district plants;

(e) Divide the resulting amount by the total hundredweight of producer milk; and

(f) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (e) of this section.

§ 972.62 *Computation of uniform price for Huntington district plants.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight to be paid to producers and to associations of producers for producer milk of 3.5 percent butterfat content received at Huntington district plants, as follows:

(a) Add to the amount per hundredweight resulting under § 972.61 (e), an amount per hundredweight computed by dividing the amount subtracted under § 972.61 (d) by the producer milk received at all Huntington district plants and represented in the values included under § 972.61 (a); and

(b) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (a) of this section.

§ 972.63 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class and the totals thereof;

(b) The applicable uniform price;

(c) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(d) The amount to be paid by each handler pursuant to §§ 972.65 and 972.70.

PAYMENTS

§ 972.65 *Time and method of final payment.* Each handler shall make payment, subject to the provisions of §§ 972.66, 972.70, 972.75 and 972.76, for all producer milk received during each delivery period, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 15th day after such delivery period, at not less than the applicable uniform price for milk of 3.5 percent butterfat: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 972.69, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) To an association of producers for milk of producers from whom such association has received written authorization to collect payment, on or before the 14th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under paragraph (a) of this section.

§ 972.66 *Partial payments.* Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each delivery period, each handler shall make payment, except as set forth in paragraph (b) of this section to each producer at not less than the applicable uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period;

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment at not less than the applicable uniform price of the preceding delivery period for all such milk which was received by such handler during the first 15 days of the current delivery period.

§ 972.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 972.68 and out of which he shall make all payments to handlers pursuant to § 972.69: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 972.68 *Payments to the producer-settlement fund.* On or before the 13th day after each delivery period, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 972.60 for such delivery period is greater than the sum required to be paid by such handler pursuant to § 972.65.

§ 972.69 *Payments out of the producer-settlement fund.* On or before the 14th day after each delivery period the market administrator shall pay to each handler the amount by which the sum required to be paid pursuant to § 972.65 is greater than the total value computed for him pursuant to § 972.60 for such delivery period: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and a handler who, on the 14th day after the delivery period, has not received full payment for such delivery period from the market administrator pursuant to this section shall not be deemed to be in violation of § 972.65 if he reduces his payments thereunder by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 972.70 *Butterfat differential.* If, during the delivery period, any handler has received from any producer or from an association of producers, milk having a weighted average butterfat test other than 3.5 percent, such handler, in making the payments prescribed in § 972.65, shall add to, or subtract from, the applicable uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat test in milk above or below, as the case may be, 3.5 percent, an amount computed by the market administrator as follows: Multiply by 1.2 the average wholesale price per pound of 92-score

butter at Chicago, as reported by the Department of Agriculture for the delivery period, divide the result by 10, and round to the nearest tenth of a cent.

§ 972.71 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 972.22 (d) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period with respect to all receipts within the delivery period, of producer milk (including such handler's own production) and other source milk at his fluid milk plant classified as Class I milk pursuant to § 972.31 (a) (1) and Class II milk: *Provided*, That an association of producers shall pay such pro rata share of expense of administration on producer milk with respect to which it is a handler.

MARKETING SERVICE DEDUCTIONS

§ 972.75 *Payments to market administrator.* Except as set forth in § 972.76, each handler shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments due pursuant to § 972.65, with respect to all producer milk received by such handler (except milk of such handler's own production) during each delivery period and shall pay such deductions to the market administrator on or before the 13th day after such delivery period. Such moneys shall be used by the market administrator to make, or check, weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

§ 972.76 *Payments to cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary:

(a) Is engaged in the collective sale or marketing of their milk,

(b) Has its entire activities under the control of its members,

(c) Meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(d) Is actually performing the services set forth in § 972.75, each handler shall make, in lieu of the deductions specified in § 972.75, such deductions from the payments to be made to such producers as have been authorized by such producers and, on or before the 14th day after each delivery period, pay over such deductions to the cooperative association rendering such services.

ADJUSTMENT OF ACCOUNTS

§ 972.80 *Errors in payments.* Whenever audit by the market administrator of a handler's reports, books, records, or accounts discloses adjustments to be made, for any reason which result in moneys due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or association of producers from such handler, the market administrator shall promptly notify such handler of any such amount due; and explain the basis for such adjustment; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 972.81 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 972.65, 972.66 or 972.68 through 972.80, shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 972.85 *Effective time.* The provisions of this part, or any amendment of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 972.86.

§ 972.86 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 972.87 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until discharged by the Secretary,

(b) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and record of the market administrator, to such person as the Secretary may direct, and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 972.88 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 972.89 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 972.90 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 972.91 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of

such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 52-3737; Filed, Apr. 1, 1952; 8:49 a. m.]

[7 CFR Part 974]

[Docket No. AO-176-A9]

Handling of Milk in Columbus, Ohio, Marketing Area

Decision With Respect to Proposed Marketing Agreement and Proposed Order Amending Order, as Amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Columbus, Ohio, on February 4-5, 1952, pursuant to notice thereof which was issued on January 29, 1952 (17 F. R. 930).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on March 19, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This decision was published in the Federal Register on March 21, 1952 (17 F. R. 2450).

Each of the exceptions to the recommended decision filed on behalf of interested parties was fully considered in arriving at the findings and conclusions and the marketing agreement and order of this decision. To the extent that the findings and conclusions or the marketing agreement and order of this decision are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the reasons set forth in the findings and conclusions relating to the issue to which the exceptions refer.

The material issues of record related to:

(1) Release by the market administrator of information concerning the classification of producer milk received by each handler,

(2) The classification of skim milk and butterfat used in manufacturing concentrated milk,

(3) Automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand,

(4) Seasonally adjusting producers' returns for milk to provide additional incentives for increased production in the fall and winter months in relation to the spring and summer months,

(5) Requiring any handler who diverts producer milk from his plant to another plant to give prior notice of such diversion to the cooperative association through the market administrator,

(6) The application of this order to a person who is regulated by another order and who disposes of Class I or Class II milk in the Columbus marketing area,

(7) The net cost to handlers of skim milk used in the manufacture of condensed skim milk products during April, May, June and July and disposed of to nonhandlers.

(8) Changing the date on which handlers are required to file monthly reports of receipts and utilization of milk, and

(9) Allowing handlers to claim classification of butterfat contained in fluid skim milk on the basis of the disposition or utilization of such fluid skim milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence submitted at the hearing and the record thereof.

(1) The market administrator should publicly announce on or before the 10th day after the end of each month the name of each handler who received milk directly from producers during such month and the percentages of such milk which was classified in each class of utilization.

Under a market-wide pooling arrangement, which is provided for in the Columbus order, and in the absence of the provisions herein concluded to be necessary and desirable, interested persons have no information concerning the utilization of milk by individual handlers except such information as is exchanged on a voluntary basis. It is possible that at certain times some handlers may be short of milk for their Class I or Class II requirements while other handlers may be utilizing milk in Class III. Producers believe that this situation has existed at times. Announcement of the information described above should assist both producers and handlers in more efficiently marketing milk and therefore should contribute to more orderly marketing. Producers proposed that the information be released only to the cooperative association, but handlers suggested that if such information is to be released, it should be made public.

Handlers opposed the release of the information on the basis that it was confidential information, that the information would be released too late to be of any use, and that handlers had done a good job of allocating milk amongst themselves. Such information is actually released or can easily be computed from other information which must be released in certain markets with orders providing for individual-handler pooling. In view of this situation it is concluded that such information is not of a confidential nature. Release of the information at an earlier date would be desirable, but it is not feasible; however, release of the information as herein proposed will be useful to the extent that any undesirable conditions shown to have existed by the released information continue to exist at the time such information is released. Release of this information will not interfere in any way with handlers' efforts to properly allocate milk amongst themselves.

(2) Skim milk and butterfat used to manufacture fresh concentrated milk disposed of for fluid consumption should be classified as Class I milk. This product has been sold in several markets in Ohio as a direct substitute for fresh whole fluid milk. It has not yet been sold in Columbus. It is likely that the local health authorities, through their regulations, would require milk used to produce concentrated milk to be of the same quality as milk used in other Class I products.

Although concentrated milk is not now being sold in Columbus, it is possible that it could be introduced at any time. Provision at this time for classification of milk used in concentrated milk will assure proper classification of such milk in the event it is introduced in the Columbus market.

These conclusions concerning concentrated milk should not apply to the products commonly known as evaporated milk, condensed milk or condensed skim milk. These products should continue to be classified as presently provided for in the order.

(3) Provision should be made for automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand.

Although the present provisions for establishing Class I and Class II prices have usually resulted in appropriate prices, conditions have arisen in the past which necessitated hearings to amend such provisions in order to keep supply in proper alignment with demand. Such a procedure is time consuming and it is expected that the proposed amendment will tend toward the need for fewer hearings because of more prompt and timely automatic adjustments in these prices.

It is difficult to predict with accuracy what level of prices will be necessary to assure that the market will be adequately supplied with milk in the forthcoming months. If the market is adequately supplied, the proposed amendment will have little or no effect on Class

I and Class II prices, but if the supply is short or long the proposed amendment will increase or decrease Class I and Class II prices accordingly and be an incentive for the market to remain adequately supplied. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It is concluded that the measure of the current relationship between market supply and market demand should be based on the ratio of the gross volume of milk classified as Class I milk to total receipts from producers in a two month period comprising the month for which the price is being computed and the immediately preceding month. This ratio is hereinafter referred to as "current utilization percentage." In determining the gross volume of milk classified as Class I milk, milk previously classified as other than Class I milk and reclassified during such two-month period as Class I milk should be included as a part of the index of demand because Columbus health regulations permit approved milk stored in the form of cream or condensed products to be later used in products classified in Class I. Some stored products were so used in the fall and winter of 1951 when current production was low. Although all products comprising Class I and Class II must be made from the same quality of milk pursuant to local health regulations, milk classified as Class I should be used as the index of demand because changes which have been made in recent years in the classification of products presently in Class II make comparisons difficult.

Many factors affect market supply and demand, but gross Class I utilization and total receipts from producers reflect the net effect of all these factors. Extension of recent changes appears to be the most accurate means of estimating current and prospective supply and demand conditions.

Use of a two month period is desirable in order to reflect quickly any changes in supply and demand. However, an adjustment based on a short period of this kind may to some extent reflect random changes in utilization which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the net utilization percentages and setting limits on the amount of the adjustment. (Net utilization percentages are computed by algebraically subtracting the current utilization percentage from the standard (or base) utilization percentage.) The net utilization percentage groups are in such intervals that no adjustment occurs until the net utilization percentage is plus or minus 3 or 4. The next net utilization percentage group applies to net utilization percentage of plus or minus 6 or 7. In the case of any net utilization percentage falling between groups, the amount of the adjustment is determined by the adjacent group which is the same as or nearest to the net utilization percentage group used in the previous month. For example, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 3 or 4 if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 6 or 7 if the adjustment during the previous month had been determined by a net utilization percentage of 6 or 7 or higher. The maximum adjustments provided for are 25 cents, 38 cents and 50 cents per hundredweight. Any conditions which develop that might warrant price adjustments beyond these limits should be considered at a hearing.

Both handlers and producers favored the use of the month for which prices are being computed as one of the months for computing a current utilization percentage because it reduces to a minimum any lag in the supply-demand adjustment. It will extend the date for announcing Class I and Class II prices by not more than four days. Use of one month alone would appear to cause too much fluctuation in the current utilization percentage.

The provisions for adjusting Class I and Class II prices should be constructed in such a manner that no price adjustment results when market supply and demand are in proper balance—that is when the market is adequately supplied. Representatives of producers testified that the relationship between supplies and market requirements which existed during the period May 1949 through April 1950 was desirable and would serve as a proper basis for establishing a normal or standard relationship between market supply and demand. Analysis of market statistics indicate that for the three year period July 1948 through June 1951 little change, other than seasonal changes, occurred in the relationship between market supply and demand. It is concluded that the relationship which existed during this three year period is appropriate for use as a measure of the standard relationship between market supply and demand. Standard utilization percentages for each two month period of the year, based on this three year period, are as follows:

2-month period	Standard utilization percentage	Month during which such ratio would be used in computing prices
January-February	79	February.
February-March	76	March.
March-April	72	April.
April-May	65	May.
May-June	59	June.
June-July	61	July.
July-August	66	August.
August-September	71	September.
September-October	77	October.
October-November	82	November.
November-December	81	December.
December-January	79	January.

If the current utilization percentage in the current month and the first month preceding the month for which prices are being computed varies from the standard utilization percentages shown above, the Class I and Class II prices should be adjusted in the same direction—upward if the current utilization percentage exceeds the standard utilization percentage, and downward if the reverse is true. For each percentage point of variation, the Class I and Class II prices should change as follows: 2 cents upward and 4 cents downward during each of the months of April through July; 3 cents during each of the months of August, September, January, February, and March; and 4 cents upward and 2 cents downward during each of the months of October through December. Analysis of Class I and Class II prices and the ratio of gross Class I utilization to total receipts from producers shows that in recent years the proposed adjustment would have resulted in reasonable prices. It should continue to do so. Seasonally varying adjustments should give additional incentive toward reducing the seasonal variation in receipts from producers. These rates of adjustment to be associated with changes in the supply-demand relationship are the same as those used in other marketing orders in Ohio. The record fails to show the need for different rates in the Columbus order.

On February 1, 1951, the amounts to be added to the basic formula price in computing Class I and Class II prices was increased 10 cents in each of the months of August through March, and an additional increase of 10 cents in each month of the year was conditioned upon the relationship between market supply and demand. These increases were provided to counteract any adverse effect which the then recently adopted Grade A milk regulations might have on the market supply of milk. The additional 10 cent increase conditioned upon the relationship of market supply and demand was provided because it was difficult to determine from the record of the hearing on which the February 1, 1951, amendment was based just how much price increase was necessary to counteract the more stringent health regulations. Since the effective date of that amendment, the relationship between market supply and demand has been such that the conditioned 10-cent increase has been in effect every month. It is therefore concluded that the amount to be added to the basic formula price in computing Class I and Class II prices should include the conditional 10-cent increase contained in the February 1, 1951, amendment.

Conclusions reached herein concerning issue number (4) make it necessary to convert the presently seasonally varying amounts to be added to the basic formula prices in computing Class I and Class II prices to constant amounts for each month in the year.

Specified differentials of $1.10 for Class I milk and $0.70 for Class II milk in each month of the year will be approximately equivalent on a year-round basis to those resulting during the past year from the provisions of the present order, and will retain the presently existing difference of 40 cents between Class I and Class II prices. There is no indication that this difference should be changed.

Producers proposed provisions which would under certain conditions override

the operation of the supply-demand adjustment in April, May, June, November, December, January, and February. The need for such provisions appears to be lessened somewhat by the adoption of proposal number (4). The supply-demand adjustment should not be prevented from reflecting quickly price changes in response to changes in the relationship between supply and demand. The proposed provisions should not be adopted.

(4) Returns to producers should be seasonally adjusted to provide some additional price incentive for the increased production of milk in the fall and winter months in relation to production in the spring and summer months. The present method of causing seasonal variation in returns to producers by seasonally varying the amounts to be added to the basic formula price in computing Class I and Class II prices should be discontinued. Seasonal variation in returns to producers in an amount herein concluded to be appropriate should be provided by withholding from the value of milk in April, May, June and July a prescribed amount which would be added in equal parts to the value of milk in October, November and December. Class I and Class II prices would then vary seasonally only to the extent that the basic formula price varies seasonally. This reduction in the seasonality of Class I and Class II prices should simplify the application of ceiling price regulations to Class I and Class II products. Producers contend that this method of providing seasonality in producer returns will be more effective in reducing seasonality in production than the present method.

With the seasonal variation that has existed in milk production for the Columbus market in recent years, the seasonal reserves of milk that accompany a level of production sufficient to satisfy market requirements in the fall and winter have been so large as to create considerable problems of disposing of such seasonal reserves.

An amount computed by multiplying the hundredweight of producer milk classified in Classes I and II in April, May, June, and July by 35 cents should be withheld from the value of milk during such months. This will retain the same seasonality in returns to producers in the months of January through September as has resulted under the present provisions of the order. Adding this withheld amount to the value of milk in October, November, and December in equal amounts will increase returns to producers in these months by a considerable amount in relation to other months in the year and should provide considerable incentive for increased production in October, November, and December in relation to production in the spring and summer.

The cooperative association feels that it can increase the effects of a program such as this if it is permitted to distribute the withheld funds to its members. The market administrator should pay to the cooperative association not later than the 14th day after the end of each of the months of October, November, and December for distribution among its members a proportion of the withheld funds which are to be paid to producers in each such month equivalent to the proportion which milk caused to be delivered to handlers by the cooperative association bore to total receipts from producers in each such month. The remainder of the withheld funds should be paid by the market administrator not later than the 14th day after the end of each of the months of October, November, and December to handlers who receive milk directly from producers which was not caused to be so delivered by a cooperative association on the basis of receipts of such milk during each such month, and such funds should be paid by handlers to producers who delivered such milk on the basis of the volume of their deliveries.

The proposal of producers with respect to the determination of the amount to be withheld in April, May, June and July should not be adopted. Pursuant to the proposal of producers the amount to be withheld in April, May, June and July could vary from month to month and from year to year and could conceivably be zero. The conditions which would cause such variations do not appear to be conditions which should justify changes in the seasonality of returns to producers. Producers proposal would use premiums paid by handlers in March in determining the amount to be withheld. Such premiums are the result of negotiation between producers and handlers and should not be used as a factor in the order in computing prices to handlers or returns to producers. The proposal of producers for determining the amount to be withheld should therefore be denied.

(5) A handler should not be required to report to the market administrator by noon of any day his intention to divert producer milk on the following day.

The producers proposed that handlers notify the market administrator by noon of the previous day of such handlers' intention to divert milk to another plant and that the market administrator should immediately notify the cooperative association of such intention.

Many factors enter into the need for diversion of milk and the record does not indicate that handlers always would be aware by noon of a certain day of the need for diverting milk on the following day.

The cooperative association claims such a provision would be helpful in its standard sampling and testing program, which has been adopted by negotiation between the cooperative association and handlers.

While it is necessary to have a certain number of samples from the milk of each producer in order to determine the average butterfat content of such milk, the handler is also interested in knowing the correct percentage of butterfat in such milk in order to prevent "excess shrinkage" or "overage" in his plant. It appears therefore that satisfactory arrangements between the handler and the cooperative association can be made without including such arrangements in the order.

For the above reasons the proposed provision should not be adopted.

(6) The proposal to require reports from a person who disposes of Class I or Class II milk in the marketing area and who is a handler under another Federal marketing agreement or order and to require such person to pay the difference between the value of such butterfat and skim milk under the two orders into the producer-settlement fund when such value is greater under the other order should not be adopted at this time. While the record indicated some economic justification for such a provision, its adoption would necessitate a change in the definition of a handler. No such proposal was made. It is probable that a change in the definition of a handler would bring under the regulation of the order persons who previously have not been subject to such regulation without such persons having been given notice of the possibility of such regulation.

Because of the foregoing reasons the proposal should not be adopted.

(7) No change should be made in the provisions of the order concerning the cost to handlers of skim milk received in producer milk and disposed of as condensed skim milk to non-handlers in April, May, June, or July: i. e., the net cost of such skim milk to handlers should continue to be the value of such skim milk at the Class III price.

Producers proposed that the provisions of the current order relating to the credit given handlers of the difference between the Class II and the Class III prices of skim milk disposed of to nonhandlers as condensed skim milk during April, May, June and July be deleted.

The producers suggested a provision whereby a credit of the difference between the Class II and the Class III prices of skim milk would be granted handlers on such skim milk not used in the market during the short supply season but sold to nonhandlers after the end of the calendar year. A somewhat similar provision was a part of the order from October 1, 1948, through July 31, 1950.

The problems connected with the disposal of skim milk are greater than those connected with the disposal of butterfat in the seasonal reserves of milk in the spring and summer seasons. Considerable amounts of skim milk are stored in the form of condensed skim milk for use in the fall and winter seasons of short supply. However, these outlets are quite frequently not sufficient to absorb all of the seasonal reserve supplies of skim milk, and outlets outside the market must be found for substantial quantities of skim milk. The two principal outside outlets have been to nonhandlers in the form of condensed skim milk and to manufacturers of nonfat dry milk solids. Handlers claim that returns for skim milk disposed of to manufacturers of nonfat dry milk solids are so low as to make this a relatively unfavorable outlet.

Producers fear that under the present provisions handlers will dispose of large portions of condensed skim milk to nonhandlers in April, May, June, and July, and will not store sufficient quantities of condensed skim milk during those months to meet the requirements of the Columbus market in the short season. They contend that their proposal will

discourage handlers from disposing of condensed skim milk to nonhandlers until there is assurance that such condensed skim milk was not needed in the Columbus market during the short season. However, they have failed to recognize that a provision such as they propose might result in the channeling a larger portion of the seasonal reserve supplies of skim milk from the manufacture of condensed skim milk into the manufacture of nonfat dry milk solids.

It is each handler's own responsibility to assure himself of an adequate supply of skim milk and butterfat at all times from sources which comply with the regulations of local health authorities as enforced by them. Certain provisions of the order have some influence on handlers decisions about whether they will obtain short season supplies from current production or from stored products, but the proposed provisions would have no apparent direct influence on this decision. The revised seasonal pricing schedule proposed herein may to some extent tend to discourage handlers from storing products in the flush season for use in the short season. However, if other proposed changes are effective in reducing seasonal variation in production, then the need of storing products for later use will lessen.

(8) The final date for filing reports by handlers with respect to the monthly receipts and utilization should be changed from the 5th to the 6th of the month.

The proposal by handlers was to change such date from the 5th to the 7th of the month. Evidence was presented to indicate that all reports were not filed by the 5th. However to change such date to the 7th could result in all handlers failing to file reports until the latest date possible and this probably would prevent the announcement of the uniform price by the 10th day of each month and any delay in the announcement of the uniform price would probably prevent the payment to producers by the 15th of the month.

It was indicated that the final date for filing such reports by handlers could be changed from the 5th to the 6th of the month without preventing the announcement of the uniform price and the payment to producers on the dates now set forth in the order.

In view of the above, the final date for filing reports of receipts and utilization should be changed from the 5th to the 6th of the month.

(9) The proposal that handlers without adequate records could claim a butterfat content of .085 percent in skim milk disposed of to others or used in the manufacture of milk products should not be adopted.

The proposal by handlers was to the effect that the butterfat content of skim milk disposed of to others or used in the manufacture of milk products by handlers who did not have adequate records should be deemed to be 0.085 percent. It was also proposed that a handler could discontinue reporting 0.085 percent butterfat in skim milk and after such discontinuance he could again begin reporting such percentage by giving notice to the market administrator at least 30 days prior to the first day of the month during which such change was to be effective.

The evidence does not clearly indicate that 0.085 percent is the average percentage of butterfat in skim milk. The adoption of this portion of the proposal could result in a penalty for keeping adequate records. That portion of the proposal whereby handlers have a choice in either reporting or not reporting such a percentage would undoubtedly result in the use of such reporting only when it was to the handler's advantage to so report.

For the above reasons, this proposed amendment should not be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

Sec.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Sec.
974.76 Butterfat differential.
974.77 Expense of administration.
974.78 Marketing services.
974.79 Cooperative associations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

974.80 Effective time.
974.81 Suspension or termination.
974.82 Continuing power and duty of the market administrator.

MISCELLANEOUS PROVISIONS

974.90 Agents.
974.91 Producer-handlers.
974.92 Separability of provisions.
974.93 Termination of obligations.

AUTHORITY: §§ 974.0 to 974.93 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 974.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 974.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 974.3 *Columbus, Ohio, marketing area.* "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but not being limited to all municipal corporations, within the townships of Blendon, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

§ 974.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 *Fluid milk plant.* "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the month on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

§ 974.6 *Handler.* "Handler" means:

(a) Any person who receives producer milk at a fluid milk plant, and

(b) Any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

§ 974.7 *Producer.* "Producer" means any person, including one who may also be a handler who produces:

(a) Under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or

(b) Milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

§ 974.8 *Producer milk.* "Producer milk" means any milk produced by one or more producers under the conditions set forth in § 974.7.

§ 974.9 *Other source milk.* "Other source milk" means:

(a) Milk,

(b) Skim milk,

(c) Cream, or

(d) Any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

§ 974.10 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.50.

§ 974.11 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

MARKET ADMINISTRATOR

§ 974.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 974.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this part;

(b) Make rules and regulations to effectuate the terms and provisions of this part; and

(c) Receive, investigate, and report to the Secretary complaints of violations of this part.

§ 974.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 974.77:

(1) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 974.78, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 974.30, or

(2) Payments pursuant to §§ 974.70, 974.73, 974.77, or 974.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association as described in § 974.79 upon request with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information.

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 10th day after the end of each month, the minimum class prices for skim milk and butterfat computed pursuant to §§ 974.51, 974.52 and 974.53; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.63 and the butterfat differential computed pursuant to § 974.76;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) Publicly announce, unless otherwise directed by the Secretary, on or before the 10th day after the end of each month by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of each handler who during such month received milk at his fluid milk plant directly from producers or associations of producers along with the percentages of such milk which was classified as Class I milk, Class II milk, and Class III milk.

REPORTS, RECORDS, AND FACILITIES

§ 974.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except as otherwise provided in § 974.31 (a) shall report to the market administrator for such month with respect to all producer milk and other source milk received during the month, in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources),

(b) The utilization thereof, and

(c) Such other information with respect to such receipts and utilization as the market administrator may request: *Provided*, That any person operating more than one fluid milk plant shall make one report covering all such operations for the purposes of paragraphs (a), (b), and (c) of this section.

§ 974.31 *Other reports.* (a) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 6th day after the end of each month, each handler shall submit to the market administrator a report which shall show for the month:

(1) The total pounds of milk received from each producer and association of producers and the average butterfat test thereof,

(2) The amount and date of any advance payments to each producer and association of producers, and

(3) The nature and amount of each deduction or charge authorized from payments for such milk.

§ 974.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The utilization in whatever form, of all skim milk and butterfat required to be reported pursuant to § 974.30;

(b) The weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and

(c) Payments to producers or to associations of producers.

§ 974.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in:

(a) All milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the month by a handler at a fluid milk plant, and

(b) All producer milk received during the month in the manner described in § 974.6 (b), shall be classified by the market administrator in the classes set forth in § 974.41.

§ 974.41 *Classes of utilization.* Subject to the conditions set forth in §§ 974.42, 974.43 and 974.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of (except that which has been dumped or disposed of for livestock feeding) as milk, skim milk, buttermilk, flavored milk, or flavored milk drinks,

(2) Used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption, and

(3) Not specifically accounted for under subparagraphs (1) and (2) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form for consumption as sweet or sour cream, frozen cream or any mixture of cream or milk (or skim milk), including eggnog, containing more than 6 percent of butterfat;

(2) Used to produce aerated products containing milk, cream or any combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream; and

(3) Used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(1) Having been used to produce any milk product other than as specified in paragraphs (a) (1) and (2) and (b) of this section;

(2) Having been dumped or disposed of for livestock feeding;

(3) Actual plant shrinkage of skim milk and butterfat in producer milk received but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and

(4) Actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received

from each source to their total: *And provided also,* That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

§ 974.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 974.41 and 974.43, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

§ 974.43 *Transfers.* (a) Subject to the conditions set forth in § 974.42 and paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(1) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(3) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the month during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class II milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(b) Subject to the conditions set forth in § 974.42 and in paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(1) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; or

(3) As Class II milk if transfered to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class I milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(c) The utilization of all transfers made pursuant to paragraphs (a) (1) and (2) and (b) (1) and (2) of this section shall be subject to verification by the market administrator.

(d) No statement made relative to transfers as provided for in this section shall operate to deter the prior subtraction of other source milk pursuant to § 974.45 (b) or the prior subtraction of skim milk or butterfat pursuant to § 974.45 (c), or the pro rata subtraction of skim milk or butterfat pursuant to § 974.45 (e). Any quantity reported for allocation to a particular class but not eligible therefor because of § 974.45 (b) (c) or (e), shall be classified by the market administrator as Class I milk, pending his verification.

§ 974.44 *Classification of skim milk and butterfat for each handler.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(b) Determine the total pounds of butterfat contained in the total receipts computed pursuant to paragraph (a) of this section;

(c) Determine the total pounds of skim milk contained in the total receipts computed pursuant to paragraph (a) of this section by subtracting therefrom the total pounds of butterfat computed pursuant to paragraph (b) of this section;

(d) Determine the total pounds of butterfat in Class I milk by:

(1) Computing the aggregate amount of butterfat included in each of the several items of Class I milk; and

(2) Adding all other butterfat not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(e) Determine the total pounds of skim milk in Class I milk by:

(1) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk;

(2) Subtracting the result obtained in paragraph (d) (1) of this section; and

(3) Adding all other skim milk not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(f) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(g) Determine the total pounds of skim milk in Class II milk by:

(1) Computing the aggregate amount of skim milk and butterfat included in (or, in the case of products other than cream or eggnog, used to produce) each of the several items of Class II milk; and

(2) Subtracting the result obtained in paragraph (f) of this section;

(h) Determine the total pounds of butterfat in Class III milk by:

(1) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk; and

(2) Adding actual plant shrinkage of butterfat referred to in paragraph (c) (2) and (4) of § 974.41; and

(i) Determine the total pounds of skim milk in Class III milk by:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk;

(2) Subtracting the result obtained in paragraph (h) (1) of this section; and

(3) Adding the actual plant shrinkage of skim milk referred to in paragraph (c) (3) and (4) of § 974.41.

§ 974.45 *Classification of skim milk and butterfat in producer milk for each handler.* For each month the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk Class II milk and Class III milk for each handler by making the following computations in the order specified:

(a) Subtracting from Class III milk (other than butterfat used in buttermaking) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to paragraph (c) (3) and (4) of § 974.41;

(b) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(c) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(d) Adding to the remaining Class III milk the amount subtracted pursuant to paragraph (a) of this section;

(e) Subtracting pro rata from the remaining pounds of skim milk and butterfat in such class, the skim milk and

butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(f) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class III milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraph (e) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk or Class III milk, in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

(g) If the total amount of skim milk or butterfat in all classes after the computation made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

MINIMUM PRICES

§ 974.50 *Basic formula prices.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to paragraphs (a) and (b) of this section.

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

COMPANIES AND LOCATION

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute the price per hundredweight by adding together the amounts resulting under subparagraphs (1) and (2) of this paragraph:

(1) From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(2) From the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department of Agriculture, deduct 4 cents, multiply by 8.2.

§ 974.51 *Class I milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price $1.10 in each month, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total gross volume of Class I milk (less interhandler transfers) in the month for which a price is being computed and the first preceding month by the total receipts of producer milk for the same months, multiplying the result by 100, and rounding to the nearest whole number. The total gross volume of Class I milk to be used in this computation should include the volume of any milk which was previously classified as other than Class I milk and was reclassified pursuant to § 974.42 (b) during the above described two month period as Class I milk.

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed pursuant to subparagraph (1) of this paragraph the appropriate standard utilization percentage shown below:

Month for which a price is being computed:	*Standard utilization percentage*
January	79
February	79
March	76
April	72
May	65
June	59
July	61
August	66
September	71
October	77
November	82
December	81

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is—	Supply demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	April, May, June and July	Oct., Nov. and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

(b) Add together the amounts determined in paragraph (b) (1) and (2) of § 974.50 and divide the sum into the amount determined in subparagraph (1) of such paragraph.

(c) Multiply the price determined in paragraph (a) of this section by the percentage determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount determined in paragraph (c) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight: *Provided*, That in no event shall the price of skim milk or butterfat in Class I milk be lower, respectively than the skim milk and butterfat price in Class II milk.

§ 974.52 *Class II milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class II milk shall be follows, as computed by the market administrator:

(a) Deduct 40 cents from the Class I milk price computed pursuant to § 974.51 (a) for such month.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in paragraph (b) of § 974.51 and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (b) of § 974.53 prior to the proviso therein.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 974.53 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of such skim milk shall be computed as follows: From the arithmetical average of the weighted average of the carlot prices per pound of spray and roller

process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, subtract 5.5 cents, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month by 120: *Provided*, That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $5.00.

§ 974.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF UNIFORM PRICE

§ 974.60 *Computation of value of milk for each handler.* Subject to the location adjustment provided in § 974.61, the value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.45, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat in the class from which subtracted pursuant to § 974.45 (g): *Provided further*, That if in the verification of the reports or payments of such handler for any previous month, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors: *Provided further*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the Class II prices for skim milk and butterfat, respectively, with respect to milk or skim milk disposed of in bulk fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations: *And provided also*, That such handler shall be credited with the difference between the Class II and Class III prices for skim milk received in producer milk in excess of skim milk classified as Class I milk or Class II milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in any such month in the form of condensed skim milk to a person whose supply of milk is not produced under permits or specified in § 974.7.

§ 974.61 *Location adjustment to handlers.* With respect to the actual weight of whole milk which is moved directly to the marketing area from a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, there shall be deducted 17 cents per hundredweight in the computation of the value of producer milk received by the handler operating such plant.

§ 974.62 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall notify each handler of (a) the amount and value of his milk in each class as computed pursuant to §§ 974.45 and 974.60, respectively, and the totals of such amounts and values, including any adjustments thereto; (b) the uniform price computed pursuant to § 974.63; (c) the amount due each handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (d) the total amounts to be paid by such handler pursuant to §§ 974.70, 974.73, 974.77 and 974.78.

§ 974.63 *Computation of uniform price.* For each month, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(a) Combining into one total the values computed pursuant to § 974.60 for all handlers except those who did not make the payments required pursuant to § 974.73 for the previous delivery period;

(b) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(c) Adding the aggregate of the values of all allowable location adjustments computed pursuant to § 974.71;

(d) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 974.76 times 10.

(e) Deducting for each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk which was received from producers during each such month and classified as Class I milk and as Class II milk by 35 cents;

(f) Dividing by the hundredweight of producer milk pooled; and

(g) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

PAYMENTS

§ 974.70 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk received during the month at not less than the uniform price per hundredweight, subject to the location adjustment pursuant to § 974.71 and the butterfat differential computed pursuant to § 974.76: *Provided*, That payment may be made to a cooperative association qualified under § 974.79 with respect to milk received from any producer who has given such association authorization by contract or other written instrument to collect the proceeds from the sale of his milk and any payment made pursuant to this proviso shall be made on or before the 10th day after the end of each month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 974.74, he shall not be deemed to be in violation of this section if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

On or before the 15th day after the end of each of the months of October, November and December, each handler who received payment pursuant to § 974.74 (b) (3) for such month shall distribute such amount by paying each producer, from whom milk was received during such month and who had not given any cooperative association authorization by contract or other written instrument to collect the proceeds for the sale of his milk, an amount computed by multiplying the hundredweight of milk received during such month from such producer by the rate per hundredweight for such month computed pursuant to § 974.74 (b) (1).

§ 974.71 *Location adjustment to producers.* In making payments pursuant to § 974.70 a handler may deduct, with respect to producer milk received at a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator not more than 17 cents per hundredweight.

§ 974.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 974.73 and out of which he shall make all payments to handlers pursuant to § 974.74: *Provided*, That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 974.73 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each

handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.60 for such month is greater than the sum required to be paid by such handler pursuant to § 974.70.

The amounts deducted pursuant to § 974.63 (e) shall become a part of the producer-settlement fund and shall remain in that fund as an obligated balance until they are dispersed pursuant to § 974.74 (b).

§ 974.74 *Payments out of the producer-settlement fund.* The market administrator shall make payments out of the producer-settlement fund as follows:

(a) On or before the 14th day after the end of each month, each handler shall be paid the amount by which the sum required to be paid producers by such handler pursuant to § 974.70 is greater than the total value computed for him pursuant to § 974.60 for such month: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) For each of the months of October, November and December the market administrator shall make the following computations and shall make the payments required in this paragraph on or before the 14th day after the end of each such month:

(1) Divide one-third of the total amount deducted pursuant to § 974.63 (e) for the previous April, May, June and July by the hundredweight of milk received from all producers by all handlers during the month involved (October, November or December) and round to the nearest cent;

(2) Pay to a cooperative association an amount resulting from multiplying the rate per hundredweight for the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by all handlers during such month from producers who have given such cooperative association authorization by contract or other written instrument to collect the proceeds from the sale of their milk; and

(3) Pay to each handler an amount resulting from multiplying the rate per hundredweight for the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by such handler during such month from producers who have not given any cooperative association authorization by contract or other written instrument to collect the proceeds from the sale of their milk.

§ 974.75 *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to § 974.70 discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to § 974.70 next following such disclosure.

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk and Class III milk the weighted average price per hundredweight of all skim milk from producer milk in Class II milk and Class III milk and dividing the remainder by 1,000.

§ 974.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.22 (c) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in:

(a) Producer milk, and

(b) Other source milk at a fluid milk plant.

§ 974.78 *Marketing services.* Except as set forth in § 974.79, each handler for each delivery period shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.70, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

§ 974.79 *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing ,as determined by the Secretary, the services set forth in § 974.78, each handler shall make, in lieu of the deductions specified in § 974.78, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 974.80 *Effective time.* The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 974.81.

§ 974.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 974.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 974.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 974.91 *Producer-handlers.* Sections 974.50, 974.51, 974.52, 974.53, 974.54, 974.60, 974.61, 974.62, 974.70, 974.71, 974.73, 974.74, 974.75, 974.76, 974.77 and 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

§ 974.92 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provi-

sions hereof to other persons or circumstances shall not be affected thereby.

§ 974.93 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market adminstrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 52-3738; Filed, Apr. 1, 1952; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN GLOVE INDUSTRY

NOTICE OF HEARING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued regulations providing for the employment of learners in the glove industry at wages lower than the minimum wage applicable under section 6 of the act. The regulations currently in effect are contained in §§ 522.220 to 522.231. These regulations, issued in October 1950, were based on a public hearing held in March 1950. Available information indicates that economic conditions have subsequently changed and that such changes may require revisions in the regulations. Interested parties have requested that a public hearing be held to take evidence concerning this question.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), and § 522.12, notice is hereby given of a public hearing to be held in Room 5406, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., to commence at 11:00 a. m., on April 29, 1952, before an authorized representative of the Administrator, at which evidence and testimony will be received on the following questions:

Under the standard contained in section 14 of the Fair Labor Standards Act, namely, that the Administrator shall "to the extent necessary in order to prevent curtailment of opportunities for employment," provide by regulations for the employment of learners at wages lower than the minimum wage applicable under section 6,

(1) Should the regulations relating to the employment of learners in the glove industry, or any of the provisions of such regulations, be revoked;

(2) Should the terms and conditions contained in such regulations with respect to the employment of learners be revised, and if so, what revisions should be made?

Any interested person may appear at the hearing to offer evidence provided that such person shall file with the Administrator of the Wage and Hour and Public Contracts Division, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington, D. C., not later than April 22, 1952, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. The approximate length of time which his presentation will consume.

Written statements in lieu of or in addition to personal appearance may be mailed to the Administrator, Wage and Hour and Public Contracts Divisions, at the address above indicated at any time prior to the date of the hearing or may be filed with the presiding officer at the hearing. An original and six copies of any such statement should be filed.

Signed at Washington, D. C., this 28th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-3722; Filed, Apr. 1, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-3342, appearing at page 2686 of the issue for Thursday, March 27, 1952, the following change should be made:

In the ninth line of the first column of the table under § 73.34 (k), "ICC–E" should be "ICC–3E".

NOTICES

DEPARTMENT OF THE INTERIOR

Alaska Road Commission

[Public Order 1]

ABANDONMENT OF ROAD

MARCH 4, 1952.

Pursuant to authority vested in me by the Secretary of the Interior by Department of the Interior Order No. 2448, dated July 19, 1948, approved by the President July 20, 1948, I find it to be in the public interest and hereby declare the abandonment of the old road traversing the property of Anne B. Sheldon in section 13, T. 7 S., R. 5 E., F. M. This abandonment includes all that part of the old road known as the "Old Richardson Highway (First Location)" running in a southerly direction from its present terminus with a local road in section 12 to its terminus with the old road known as the "Old Richardson Highway (First Relocation)" in section 13, located in the Fourth Judicial District of the Ter-

ritory of Alaska, and all as shown on a plat entitled "Sketch of Road Abandonment Through Anne B. Sheldon Property" on file in the office of the Alaska Road Commission, Department of the Interior, Juneau, Alaska.

A. F. GHIGLIONE,
Commissioner of Roads for Alaska.

[F. R. Doc. 52-3694; Filed, Apr. 1, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS: REVISED AREA DESIGNATION

MICHIGAN, MINNESOTA, AND WISCONSIN

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Michigan, in alphabetical order, add the county "Mackinac"; under Minnesota, in alphabetical order, add the county "Wabasha"; and under Wisconsin, in alphabetical order, add the county "Richland".

In Schedule B, under Michigan, delete the county "Mackinac"; under Minnesota, delete the county "Wabasha"; and under Wisconsin, delete the county "Richland".

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 28th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3766; Filed, Apr. 1, 1952; 9:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Biflex Bishopville, Inc., Bishopville, S. C., effective 3-20-52 to 9-19-52; 15 learners for expansion purposes (brassieres and garter belts).

Biflex Bishopville, Inc., Bishopville, S. C., effective 3-20-52 to 3-19-53; 10 percent of the productive factory force (brassieres and garter belts).

Dowling Textile Manufacturing Co., P. O. Box 389, McDonough, Ga., effective 3-24-52 to 3-23-53; five learners (washable service garments).

Elloree Garment Corp., Elloree, S. C., effective 3-19-52 to 9-18-52; 50 learners for expansion purposes; this certificate does not authorize the employment of learners in the production of parachutes (ladies' lingerie, nightgowns, pajamas).

Ellwood Textiles, Inc., 420 Wampum Avenue, Ellwood City, Pa., effective 3-24-52 to 3-23-53; 10 learners (boys' dungarees).

Emmitsburg Manufacturing Co., Emmitsburg, Md., effective 3-19-52 to 3-18-53; 10 learners (men's trousers).

The Enro Shirt Co., Inc., Madisonville, Ky., effective 3-21-52 to 3-20-53; 10 percent of the productive factory force (sport shirts).

Feldt Manufacturing Co., 117 South Main Street, Temple, Tex., effective 3-24-52 to 9-23-52; 45 learners for expansion purposes (men's and ladies' western shirts).

Jo-Ann Dress Mfg., 206 West Sample Street, Ebensberg, Pa., effective 3-25-52 to 3-24-53; 10 learners (dresses).

W. Kotkes & Son, Inc., Thirteenth and Main Streets, Lynchburg, Va., effective 3-21-52 to 3-20-53; 10 percent of the productive factory force (cotton and rayon uniforms).

Leighton Manufacturing Co., Inc., Pilot Point, Tex., effective 3-21-52 to 9-20-52; 25 learners for expansion purposes (dresses).

Marcia Dress Co., Tunkhannock, Pa., effective 3-21-52 to 3-20-53; 10 learners (dresses).

New England Sportswear Co., 47 Walnut Street, Peabody, Mass., effective 3-19-52 to 3-18-53; six learners (leather garments).

Nuremberg Dress Co., Nuremberg, Pa., effective 3-20-52 to 3-19-53; 10 learners (ladies' dresses).

Olga Frocks, 1101 Richmond Avenue, Point Pleasant, N. J., effective 3-24-52 to 3-23-53; five learners (dresses).

Perfect Brassiere Co., Inc., 34 Exchange Place, Jersey City 2, N. J., effective 3-24-52 to 3-23-53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres and garter belts).

K. W. Pollock, Tompkinsville, Ky., effective 3-19-52 to 9-18-52; 75 learners for expansion purposes (dungarees).

Reidbord Bros. Co., Apollo, Pa., effective 3-17-52 to 3-16-53; 10 learners (trousers).

The Salem Co., Inc., Junia and Lomond Avenues, Winston-Salem, N. C., effective 3-17-52 to 5-18-52; 13 learners for expansion purposes (dungarees, etc.) (supplemental certificate).

Sharl Manufacturing Co., 19 New Bennett Street, Wilkes-Barre, Pa., effective 3-19-52 to 3-18-53; 10 learners (ladies' dresses).

Skyland Textile Co., 617 East Weeting Street, Morganton, N. C., effective 3-19-52 to 9-18-52; 20 learners for expansion purposes (children's outerwear garments).

Smoler Bros., Inc., Kay Ashton Division, Herrin, Ill., effective 3-20-52 to 9-19-52; 100 learners for expansion purposes (dresses).

Smoler Bros., Inc., Kay Ashton Division, Herrin, Ill., effective 4-11-52 to 4-10-53; 10 learners or 10 percent of the productive factory force, whichever is greater (dresses).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn., effective 3-17-52 to 3-16-53; 10 percent of the productive factory force (work shirts).

Todd Manufacturing Co., Elkton, Ky., effective 3-24-52 to 9-23-52; 10 learners for expansion purposes (work shirts).

Vera Sportswear, Inc., 306-310 West Catawissa Street, Nesquehoning, Pa., effective 3-18-52 to 3-17-53; 10 percent of the productive factory force (ladies' blouses).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 4-1-52 to 3-31-53; 10 percent of the productive factory force (trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Modern Knitting Co., 732 North Fifth Street, Milwaukee 3, Wis., effective 3-21-52 to 3-20-53; four learners (knitted gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Acme Hosiery Dye Works, Inc., Pulaski, Va., effective 3-17-52 to 11-16-52; five learners (supplemental certificate).

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 3-27-52 to 3-26-53; 5 percent of the productive factory force.

Mayo Knitting Mill, Inc., Tarboro, N. C., effective 3-27-52 to 3-26-53; 5 percent of the productive factory force.

Murray Hosiery Mills Co., Murray, Ky., effective 3-26-52 to 3-25-53; 5 percent of the productive factory force.

Standard Hosiery Mills, Dayton Division, Dayton, Tenn., effective 3-22-52 to 3-21-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Hamburg Knitting Mills, 239 Pine Street, Hamburg, Pa., effective 4-1-52 to 3-31-53; 5 percent of the productive factory force (knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dowling Textile Manufacturing Co., P. O. Box 339, McDonough, Ga., effective 3-24-52 to 3-23-53; five learners; sewing machine operators; 240 hours; 60 cents per hour for the first 120 hours and not less than 65 cents per hour for the remaining 120 hours (hemming towels, pillow cases, napkins).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Paula Shoe Co., Inc., Ponce, P. R., effective 3-10-52 to 9-9-52; 97 learners; cutting, stock fitting, stitching, handsewing, making, finishing, repairing and inspecting, hand lasting; 480 hours each; 27 cents per hour each (shoes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in

the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of March 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-3695; Filed, Apr. 1, 1952; 8:45 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 9]

DEPUTY ADMINISTRATOR

DELEGATION OF AUTHORITY TO CERTIFY ACCESS ROADS TO SECRETARY OF COMMERCE

1. Pursuant to the authority conferred upon me by Memorandum dated March 3, 1952, from the President of the United States, there is hereby delegated to the Deputy Administrator of the Defense Materials Procurement Agency the authority to certify access roads to the Secretary of Commerce as provided for by section 12 of the Federal-Aid Highway Act of 1950 (Pub. Law 769, 81st Cong.).

2. The authority delegated herein may not be redelegated.

3. This delegation is effective as of the date hereof.

Dated: March 28, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-3778; Filed, Mar. 31, 1952; 4:08 p. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 12—DPAV-7(a)]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF GREATER NEW YORK MANUFACTURING POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following additional companies are herewith published which have accepted the request to participate in the operations of the Greater New York Manufacturing Pool. The original list of participating companies was published on August 31, 1951, at 16 F. R. 8851:

Airequipt Manufacturing Company, Inc., 19 Hudson Street, New Rochelle, N. Y.

The Cephas B. Rogers Company, Inc., Danbury, Conn.

Frank E. Anderson Machine Works, 85-87 Adams Street, Brooklyn 1, N. Y.

Gillmors, Inc., 110 Duffy Avenue, Hicksville, Long Island, N. Y.

Jacobson Company, 2 Bond Street, New York, N. Y.

American Tack Company, Inc., 3-7 Cross Street, Suffern, N. Y.

Everard Tap & Die Corporation, 213-215 East Fourteenth Street, New York, N. Y.

Guild Platers, Inc., 3934 Park Avenue, Bronx, N. Y.

Pearl Engraving Corporation, 36-40 West Twenty-ninth Street, New York, N. Y.

B & S Manufacturing Corp., 1666 Stephen Street, Brooklyn, N. Y.

Certified Flexible Couplings, 369 Lexington Avenue, New York 17, N. Y.

Dick Brothers, Inc., Third and Buttonwood Streets, Reading, Pa.

Hudson Valley Aluminum, Inc., P. O. Box 506, Newburgh, N. Y.

Pitz Foundry, Inc., 288 Scholes Street, Brooklyn, N. Y.

Bournanville Welding & Machine Company, 219 West Sixty-sixth Street, New York, N. Y.

I. Freeman & Son, Inc., 12 East Fifty-second Street, New York, N. Y.

Mak Industries, Inc., 1938 Park Avenue, New York, N. Y.

Sipp-Eastwood Corporation, 39 Keen Street, Paterson, N. J.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 28, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3782; Filed, Mar. 31, 1952; 4:06 p. m.]

[D. P. A. Request No. 22—DPAV-25]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON M21A4 BOOSTERS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on M21A4 Boosters in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on M21A4 Boosters," dated August 20, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this M21A4 Boosters Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the M21A4 Boosters Integration Committee in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on M21A4 Boosters," dated August 20, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the M21A4 Boosters Integration Committee and your participation therein are within the limits set forth in the voluntary plan.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Borg Products Division, 902 Wisconsin Street, Delavan, Wis.

Clary Multiplier Corporation, San Gabriel, Calif.

Royal Typewriter Company, 150 New Park Avenue, Hartford, Conn.

Columbia Electric & Manufacturing Company, W-1024 Ide Avenue, Spokane, Wash.

Detroit Brass & Malleable Works, 100 South Campbell, Detroit 9, Mich.

Grand Rapids Hardware Company, 560 Eleventh Street Northwest, Grand Rapids 2, Mich.

International Register Company, 2620 West Washington Boulevard, Chicago 12, Ill.

National Rejectors, Incorporated, 5100 San Francisco Avenue, St. Louis 15, Mo.

Northwest Automatic Products Corporation, 1700 Linden Avenue, Minneapolis 3, Minn.

Bruner-Ritter, Incorporated, Bridgeport, Conn.

Robertshaw-Fulton Control Company, Robertshaw Thermostat Division, Youngwood, Pa.

Sargent & Company, New Haven, Conn.

The Schaible Company, Summer Street, Cincinnati 4, Ohio.

Screw Machine Products Company, 536 Southeast Sixth Avenue, Portland 14, Oreg.

Scripto, Incorporated, P. O. Box 4847, Atlanta 2, Ga.

Albert Wright Company, 1209 Park Avenue, Emeryville 8, Calif.

Warren-Webster & Company, Camden, N. J.

Lincoln Engineering Company, St. Louis, Mo.

Wright Machine Company, Incorporated, Armory Street, Worcester, Mass.

(Sec. 708, 64 Stat. 818, Pub. Law. 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 28, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3783; Filed, Mar. 31, 1952; 4:06 p. m.]

[D. P. A. Request No. 34—DPAV-26]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CALIBER .50 MACHINE GUNS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the

request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Caliber .50 Machine Guns in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on Caliber .50 Machine Guns," dated December 3, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this Caliber .50 Machine Guns Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the Caliber .50 Machine Guns Integration Committee in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on Caliber .50 Machine Guns," dated December 3, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Caliber .50 Machine Guns Integration Committee and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Saco-Lowell Shops, Biddeford, Maine.

The Wayne Pump Company, 513 Tecumseh Street, Fort Wayne, Ind.

Savage Arms Corporation, Utica, N. Y.

Colt's Manufacturing Company, 17 Van Dyke Avenue, Hartford, Conn.

Flannery Manufacturing Company, Bridgeville, Pa.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 28, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3781; Filed, Mar. 31, 1952; 4:06 p. m.]

FEDERAL POWER COMMISSION

[Project No. 1413]

CHARLES POND

NOTICE OF ORDER ISSUING NEW LICENSES (MAJOR)

MARCH 27, 1952.

Notice is hereby given that on February 14, 1952, the Federal Power Commission issued its order entered February 12, 1952, issuing new license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3713; Filed, Apr. 1, 1952; 8:47 a. m.]

[Project No. 1892]

NEW ENGLAND POWER COMPANY

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

MARCH 27, 1952.

Notice is hereby given that on January 25, 1952, the Federal Power Commission issued its order entered January 22, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3714; Filed, Apr. 1, 1952; 8:47 a. m.]

[Docket Nos. G-1281, G-1454, G-1490, G-1505 G-1510, G-1524, G-1653, G-1755, G-1739, G-1797, G-1822]

MISSISSIPPI RIVER FUEL CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 25, 1952.

In the matters of Mississippi River Fuel Corporation, Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1755; St. Charles Gas Corp., Docket No. G-1739; Arkansas Louisiana Gas Company, Docket No. G-1797; Interstate Natural Gas Company, Inc., and Hope Producing Company, Docket No. G-1822.

On January 5, 1952, Mississippi River Fuel Corporation (Mississippi) filed a motion in the above-entitled Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, and G-1755 (hereinafter referred to as "Docket Nos. G-1281 et al.") Requesting that the temporary certificate authorizations previously issued therein be extended and that the Commission set the said Dockets for hearing on a consolidated basis.

On January 31, 1952, the Commission entered an order in Docket Nos. G-1281, G-1454, G-1510, and G-1755 extending to June 30, 1952, the temporary certificate authorizations heretofore granted therein upon the condition, among others, that Mississippi maintain in effect emergency service rules and regulations for the period ending March 31, 1953, in accordance with the Commission's order concurrently entered on January 31, 1952, allowing emergency service rules and regulations to take effect on an interim basis subject to change or termination by the Commission for good cause at any time with or without application or motion.

On February 4, 1952, Mississippi submitted a memorandum, statement of reasons why it considers itself prepared to proceed to hearing on the pending applications in Docket Nos. G-1281 et al. A supplement to this memorandum was filed by Mississippi on February 15, 1952.

Docket Nos. G-1281 et al. involve applications of Mississippi for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition, construction and operation of certain natural gas pipeline facilities designed to increase Mississippi's sales capacity, to supply additional quantities of natural gas to existing customers, to supply gas in part for service to certain communities not heretofore supplied with natural gas, and to connect new sources of gas supply to Mississippi's system. Official notice is hereby taken of the Commission's opinions, findings and other actions heretofore entered or taken in the aforesaid dockets, particularly the issuance upon certain conditions of temporary and limited certificate authorizations.

Due notice of the pending applications has been given, including publication in the FEDERAL REGISTER in Docket No. G-1281 on October 17, 1949 (14 F. R. 6028), on February 16, 1950 (15 F. R. 850), on April 29, 1950 (15 F. R. 2453-2454), on May 20, 1950 (15 F. R. 3115), on August 4, 1950 (15 F. R. 5030), on August 29, 1950 (15 F. R. 5814), on November 8, 1950 (15 F. R. 7503), on February 8, 1952 (17 F. R. 1231) and on February 16, 1952 (17 F. R. 1513); in Docket No. G-1454 on August 18, 1950 (15 F. R. 5518); in Docket No. G-1490 on October 21, 1950 (15 F. R. 7061); in Docket No. G-1505 on October 21, 1950 (15 F. R. 7062); in Docket No. G-1510 on October 21, 1950 (15 F. R. 7062-7063); in Docket No. G-1524 on November 21, 1950 (15 F. R. 7958); in Docket No. G-1653 on April 12, 1951 (16 F. R. 3241); and in Docket No. G-1755 on September 7, 1951 (16 F. R. 9100).

On July 11, 1951, in Docket No. G-1739, St. Charles Gas Corp. (Gas Corp.) filed an application pursuant to section 7 of the Natural Gas Act requesting an order directing Mississippi to establish a physical connection of its natural gas pipeline facilities with a connecting pipeline which Gas Corp. proposes to extend to the City of St. Charles, Missouri, and to sell natural gas to Gas Corp. for resale in that city; and requesting a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain

natural gas pipeline facilities from a point of connection with Mississippi's facilities in Madison County, Illinois, to the City of St. Charles, St. Charles County, Missouri. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on August 2, 1951 (16 F. R. 7575). An answer to this application was filed by Mississippi on August 13, 1951.

On September 20, 1951, in Docket No. G–1797, Arkansas Louisiana Gas Company (Ark.-La.) filed an application requesting an order pursuant to section 7 of the Natural Gas Act directing Mississippi to establish physical connection of its natural gas pipeline facilities at or near the town of Humnoke, Lenoke County, Arkansas, with facilities to be installed there by Ark.-La. and to sell natural gas to it for resale and distribution in the town of Humnoke. Mississippi has filed no answer to this application, although it was served upon Mississippi on September 21, 1951, with a request that an answer thereto, if any, be submitted within 30 days. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on October 24, 1951 (16 F. R. 10840).

On October 22, 1951, in Docket No. G–1822, Interstate Natural Gas Company, Inc., and Hope Producing Company filed a joint application, as amended on January 9, 1952, for an order pursuant to section 7 of the Natural Gas Act permitting and approving the abandonment of certain natural gas facilities used for delivering and selling natural gas to Mississippi and the abandonment of the sale of natural gas to Mississippi from and after September 1, 1952. Due notice of the filing of this joint application, as amended, has been given, including publication in the FEDERAL REGISTER on November 8, 1951 (16 F. R. 11407) and January 26, 1952 (17 F. R. 842–843).

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the above-entitled proceedings for the purpose of hearing, as hereinafter provided and ordered.

The Commission orders:

(A) The above-entitled proceedings be and the same are hereby consolidated for purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 5, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, public hearing be held commencing on May 12, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications and other pleadings filed in these proceedings, including but not limited to, inter alia, the matters of (i) Mississippi's actual and prospective capacities for the delivery and sale of natural gas, (ii) the need for, if any, change in Mississippi's service rules and regulations now in effect upon an interim basis, to govern Mississippi's future deliveries and sales of natural gas, and (iii) the character, scope, and provisions of any such changes to such service rules and regulations.

(C) Copies of this order shall be served upon, in addition to all present participants in the above-entitled Dockets, all gas utility customers of Mississippi. Any such customers that have not already been permitted, but at this time desire, to intervene in the proceedings herein set for hearing, shall file appropriate petitions to intervene with the Commission on or before April 21, 1952.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure; notices of intervention should be filed not later than April 21, 1952.

Date of issuance: March 27, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3696; Filed, Apr. 1, 1952; 8:45 a. m.]

[Docket No. E-6418]

SOUTHERN UTAH POWER COMPANY

NOTICE OF APPLICATION

MARCH 26, 1952.

Take notice that on March 24, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Utah Power Company, a corporation organized under the laws of the State of Utah and doing business in said State, with its principal business office at Cedar City, Utah, seeking an order authorizing the issuance of $975,000 principal amount of First Mortgage Bonds, 4¼ Percent Series, due 1982, said bonds to be dated as of February 1, 1952, to mature on February 1, 1982, and are to be sold privately to institutional purchasers; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of April 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3697; Filed, Apr. 1, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26918]

CEMENT FROM POINTS IN WESTERN TRUNK-LINE TERRITORY TO NEW MEXICO

APPLICATION FOR RELIEF

MARCH 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A–3815.

Commodities involved: Cement, carloads.

From: Points in western trunk-line territory.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3815, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3704; Filed, Apr. 1, 1952; 8:47 a. m.]

[4th Sec. Application 26919]

PAPER, RESIN IMPREGNATED, FROM MUNISING, MICH., TO POINTS IN NEW YORK AND PENNSYLVANIA

APPLICATION FOR RELIEF

MARCH 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A–3715 and A–3940.

Commodities involved: Paper, resin impregnated, not laminated, NOIBN, coated with latex, in rolls, not decorated, carloads.

From: Munising, Mich.

To: Niagara Falls, Suspension Bridge, and Bellaircraft, N. Y., and Fullerton, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3715, Supp. 55; L. E. Kipp's tariff I. C. C. No. A–3940, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3705; Filed, Apr. 1, 1952; 8:47 a. m.]

[4th Sec. Application 26920]

CRYOLITE FROM NATRONA, PA., TO NEW ORLEANS AND CHALMETTE, LA.

APPLICATION FOR RELIEF

MARCH 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Cryolite, carloads.

From: Natrona, Pa.

To: New Orleans and Chalmette, La.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-911, Supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3706; Filed, Apr. 1, 1952; 8:47 a. m.]

[4th Sec. Application 26921]

MIXED CARLOADS OF MERCHANDISE FROM MEMPHIS, TENN., TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MARCH 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: Merchandise, in mixed carloads.

From: Memphis, Tenn.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3707; Filed, Apr. 1, 1952; 8:47 a. m.]

[4th Sec. Application 26922]

CRUDE RUBBER FROM POINTS IN LOUISIANA AND TEXAS TO FORT SMITH, ARK.

APPLICATION FOR RELIEF

MARCH 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Specified points in Louisiana and Texas.

To: Fort Smith, Ark.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3906, Supp. 104; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3708; Filed, Apr. 1, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-585]

R. S. DICKSON & CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION AS HOLDING COMPANY

MARCH 27, 1952.

Notice is hereby given that an application and an amendment thereto have been filed with this Commission by R. S. Dickson & Company, an investment banking company, pursuant to section 3 (a) (4) of the Public Utility Holding Company Act of 1935 ("act") and the general rules and regulations promulgated thereunder, requesting the issuance of an order granting an exemption for the period of one year from the date of issuance of such order to applicant as a holding company by reason of applicant's temporary ownership of 11,660 shares of the common stock of Carolina Natural Gas Corporation ("Carolina"), a public utility company, which shares of stock were acquired under the terms of an underwriting agreement between applicant and Carolina.

Notice is further given that any interested person may, not later than April 10, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, such application, as filed or as amended, may be granted pursuant to the applicable provisions of the act and the general rules and regulations promulgated thereunder.

All interested persons are referred to the said amended application which is on file in the office of this Commission for a statement regarding applicant's request and the facts pertaining thereto, which are summarized below:

Applicant, as the sole underwriter, entered into an agreement dated December 4, 1951, with Carolina to use its best efforts to sell units of debentures and

common stock of Carolina (each unit consisting of $100 principal amount of debentures and 10 shares of common stock of the par value of $10 per share), for the purpose of enabling Carolina to obtain $500,000 with which to acquire shares of common stock of Piedmont Gas Company ("Piedmont"), a gas utility company. Pursuant to the underwriting agreement, applicant on December 31, 1951, acquired 1,334 units ($133,400 principal amount of the debentures and 13,340 shares of common stock) from Carolina for a cash consideration of $200,100.

Applicant states that the acquisition of the 13,340 shares of Carolina's common stock was a temporary expedient to enable Carolina to meet its obligation to purchase the common stock of Piedmont; that subsequently applicant has sold 1,680 shares of such stock; and that applicant intends to continue its best efforts to distribute the balance of 11,660 shares of such common stock. It is further represented that applicant holds an additional 3,900 shares, representing approximately 7 percent of Carolina's common stock, which it intends to hold indefinitely in its investment account.

Applicant requests that the Commission order issued herein be without prejudice to its right to renew its application for exemption at the expiration of one year from the date of said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3700; Filed, Apr. 1, 1952; 8:46 a. m.]

[File Nos. 54-132, 70-1149, 70-1150, 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER DIRECTING PAYMENT OF FINAL ALLOWANCES

MARCH 26, 1952.

In the matter of Engineers Public Service Co., File No. 54-132; El Paso Electric Co., File No. 70-1149; Gulf States Utilities Co., File No. 70-1150; Virginia Electric and Power Co., File No. 70-1419.

The Commission, by order dated January 8, 1947, having approved an amended plan of Engineers Public Service Company filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 designed to effectuate compliance with the Commission's order of September 16, 1942, issued under section 11 (b) (1) of the act; and

Said order of January 8, 1947, having reserved jurisdiction to consider and determine the reasonableness of all fees, expenses, and other remuneration paid or to be paid in connection with these proceedings; and

Applications for allowances for fees and reimbursement of expenses having been filed, a public hearing having been held, the Commission having, on December 21, 1950, issued an Interim Order (Holding Company Act Release No. 10306) permitting Engineers Public Service Company to make certain payments in respect of fees and in reimbursement of expenses; and

A statement of views having been filed by the Division of Public Utilities and briefs and reply briefs having been filed by the applicants, and the Commission having heard oral argument; and

The Commission having considered the record and having this day made and filed its memorandum findings and opinion herein; on the basis of said memorandum findings and opinion

It is ordered, That Engineers Public Service Company pay the following fees, in addition to the fees and disbursements permitted to be paid by said Interim Order dated December 21, 1950:

Lawrence R. Condon, attorney for Thomas W. Streeter, et al., preferred stockholders	$5,000.00
Evans, Bayard & Frick, attorneys for The Home Insurance Co., et al., preferred stockholders	10,000.00
Guggenheimer & Untermyer, attorneys for Central-Illinois Securities Corp., et al., common stockholders	5,000.00
Louis Boehm and Raymond L. Wise, attorneys for Lucille White et al., common stockholders	2,500.00

It is further ordered, That Engineers Public Service Company reimburse Guggenheimer & Untermyer and Louis Boehm and Raymond L. Wise for such expenses incurred by those applicants as are applicable to the services for which compensation is awarded them herein and as are agreed to be so by Engineers Public Service Company and the respective applicants.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3698; Filed, Apr. 1, 1952; 8:46 a. m.]

[File Nos. 54-197, 59-12, 54-168]

AMERICAN POWER & LIGHT CO. AND ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

MARCH 27, 1952.

In the matter of American Power & Light Company, File No. 54-197; Electric Bond and Share Company, American Power & Light Company, File Nos. 59-12 and 54-168.

This Commission having, on October 15, 1951, entered an order approving a plan filed by American Power & Light Company ("American"), a registered holding company, under section 11 (e) of the Public Utility Holding Company Act of 1935, providing for a pro-rata cash distribution of $4,684,822, in partial liquidation, to the holders of its single class of capital stock; and

Said order of October 15, 1951, having reserved jurisdiction, among other things, to determine the reasonableness of all fees and expenses incurred or to be incurred by American in connection with the said plan and the transactions incident thereto; and said plan having been consummated on November 29, 1951; and

Root, Ballantine, Harlan, Bushby & Palmer, counsel for American, having filed an affidavit describing the services performed and requesting a release of the jurisdiction reserved in said order with respect to a fee in the amount of $5,750, and $226.26 as reimbursement for expenses of said law firm; and

Counsel for American having further stated that American proposes to pay no other fees and expenses in connection with the plan other than routine expenses such as printing, advertising, mailing and traveling expenses of officers and employees of American; and

The Commision having considered the affidavit of American's counsel, and the entire record of this proceeding, and finding that the requested fee of Root, Ballantine, Harlan, Bushby & Palmer is not unreasonable, and finding it appropriate to release the jurisdiction heretofore reserved over all fees and expenses paid or presently proposed to be paid by American in carrying out the provisions of said plan:

It is ordered, That the jurisdiction reserved in the Commission's order of October 15, 1951, over the payment by American of the foregoing fees and expenses, incurred in connection with the plan filed with this Commission on July 31, 1951, be, and the same hereby is, released.

It is further ordered, That except as herein expressly modified, said order of October 15, 1951, be continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3701; Filed, Apr. 1, 1952; 8:46 a. m.]

[File No. 70-2816]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

ORDER AUTHORIZING ISSUANCE AND SALE OF PROMISSORY NOTES AND COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION OF SUCH SECURITIES BY PARENT COMPANY

MARCH 27, 1952.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly owned subsidiary, Eastern Shore Public Service Company of Virginia ("Virginia"), having filed a joint application-declaration with this Commission pursuant to sections 6 (b), 9 (a), 12 (b) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Virginia proposes to issue and sell, prior to December 31, 1953, its 4 percent Promissory Notes due October 1, 1973, in the total principal amount of not to exceed $700,000. Virginia also proposes to issue and sell a total of not to exceed 7,000 shares of its common capital stock of the par value of $100 per share. Delaware proposes to acquire said Notes at the principal amount thereof plus accrued interest from their issuance date and said common capital stock at the par value thereof. Virginia proposes to issue said Notes and capital stock from time to time as may be necessary to meet

such Company's cash requirements. At the time of the sale of any of said Notes by Virginia to Delaware, Virginia will sell and Delaware will acquire common capital stock having a par value equal to the principal amount of Notes being so sold and acquired.

All of the presently outstanding securities of Virginia are owned by Delaware and pledged with The New York Trust Company, Trustee, under the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated October 1, 1943.

Delaware proposes to pledge the Notes and the stock it acquires from Virginia with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated October 1, 1943.

The proceeds to be received by Virginia from the proposed sales of its Notes and common capital stock will be used to reimburse its treasury for monies previously expended for construction requirements and to provide funds for future construction expenditures.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The State Corporation Commission of Virginia having expressly authorized by order the issuance and sale by Virginia of its Notes and common capital stock to Delaware as proposed herein; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the said joint application-declaration be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3699; Filed, Apr. 1, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 398, Amdt. 3]

LANDERS, FRARY & CLARK

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 398, under section 43 of Ceiling Price Regulation 7, established retail and wholesale ceiling prices for certain articles manufactured by Landers, Frary & Clark and having the brand names "Universal," "Landers," and "Stanley."

The manufacturer has applied for withdrawal of the "Universal" toaster having the model number 2825 and "Universal" heating pads having the model numbers EA7401 and EA7201 from the coverage of the special order. The "Universal" toaster and heating pads are deleted from the special order by incorporating the manufacturer's amended applications dated March 3, 1952 and March 7, 1952.

Amendatory provisions. Special Order 398 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, insert after the date "January 7, 1952," the following dates: "March 3, 1952 and March 7, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

Upon receipt of a copy of the notice by the retailer, but in no event later than April 14, 1952, no retailer shall offer or sell the "Universal" toaster having the model number 2825, or the "Universal" heating pads having the model numbers EA7401 and EA7201 by reference to prices listed in the special order covering such articles.

Effective date. This amendment shall become effective March 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3627; Filed, Mar. 26, 1952; 4:27 p. m.]

[Region I, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 24, 1952.

JOSEPH M. MCDONOUGH,
Director Regional Office No. I.

MARCH 28, 1952.

[F. R. Doc. 52-3729; Filed, Mar. 28, 1952; 4:53 p. m.]

[Region III, Redelegation of Authority 28]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 21, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 28, 1952.

[F. R. Doc. 52-3730; Filed, Mar. 28, 1952; 4:53 p. m.]

[Region V, Redelegation of Authority 19]

DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DISTRIBUTION REGULATION 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 11, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect

to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13, or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b), and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect as of March 20, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

MARCH 28, 1952.

[F. R. Doc. 52-3731; Filed, Mar. 28, 1952; 4:54 p. m.]

[Region V, Redelegation of Authority 20]

DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 20, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

MARCH 28, 1952.

[F. R. Doc. 52-3732; Filed, Mar. 28, 1952; 4:54 p. m.]

[Region V, Redelegation of Authority 28]

DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 24, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

MARCH 28, 1952.

[F. R. Doc. 52-3733; Filed, Mar. 28, 1952; 4:54 p. m.]

[Region VIII, Redelegation of Authority 29]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

DELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 57, dated March 17, 1952 (17 F. R. 2349), this redelegation of authority is hereby issued:

1. Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation: Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 19, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

MARCH 28, 1952.

[F. R. Doc. 52-3734; Filed, Mar. 28, 1952; 4:54 p. m.]

[Region XI, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION XI

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

1. Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region XI to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 25, 1952.

GEORGE F. ROCK,
Regional Director.

MARCH 28, 1952.

[F. R. Doc. 52-3735; Filed, Mar. 28, 1952; 4:55 p. m.]

[Region XII, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect as of March 22, 1952.

Issued: March 28, 1952.

JOHN B. HARMAN,
Acting Director of Regional Office No. XII.

[F. R. Doc. 52-3736; Filed, Mar. 28, 1952, 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 20, Amdt. 1]

HERMAN ISKIN & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 20 under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for cowboy and cowgirl outfits manufactured by Herman Iskin & Co., Inc., and having the brand name "Hopalong Cassidy."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated February 29, 1952, and March 19, 1952.

Amendatory provisions. Special Order 20 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated March 22, 1951," insert the words "as supplemented and amended by its applications dated February 29, 1952, and March 19, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated February 29, 1952, and March 19, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 25, 1952.

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3672; Filed, Mar. 27, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 33, Amdt. 3]

HICKOK MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 33 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and boys' belts and buckles, suspenders, wallets and jewelry, men's garters, traveling kits and brief cases, manufactured or distributed by Hickok Manufacturing Co., and having the brand name "Hickok."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 7, 1952.

This amendment also adds "gifts sets, nail clippers, manicuring sets, key cases, pipes and gift boxes," to the articles listed in the special order.

Amendatory provisions. Special Order 33 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 (a), after the date "December 3, 1951," insert the date "March 7, 1952."

2. Insert following paragraph 1 (a) now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated March 7, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 25, 1952.

3. In paragraph 1 after the words "brief cases" add the words "gift sets, nail clippers, manicuring sets, key cases, pipes and gift boxes."

Effective date. The amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3673; Filed, Mar. 27, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 44, Amdt. 1]

BATES FABRICS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 44 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for bedspreads manufactured by Bates Fabrics, Incorporated and having the brand name "Bates."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated August 8, 1951, November 26, 1951, March 7, 1952, and March 10, 1952.

Amendatory provisions. Special Order 44 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 30, 1951," insert the words "as supplemented and amended by its applications dated August 8, 1951, November 26, 1951, March 7, 1952, and March 10, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated August 8, 1951, November 26, 1951, March 7, 1952, and March 10, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 16, 1952.

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3674; Filed, Mar. 27, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 83, Amdt. 2]

CHIPMAN KNITTING MILLS

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 83 establishes new retail ceiling prices for certain of the applicant's branded articles. The retail ceiling prices which are listed in paragraph 1 of the special order were inadvertently omitted in a previous amendment to the special order.

Amendatory provisions. Special Order 83 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1 delete all after the sentence, "The selling prices to retailers listed below are subject to terms of Net 30 Days, F. O. B., Easton, Pennsylvania" and substitute therefor the following:

Selling price to retailers (per dozen):	*Ceiling price at retail (per pair)*
$10.80	$1.50
$11.75 through $11.85	1.65
$14.00	1.95
$16.00	2.25

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3675; Filed, Mar. 27, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 284, Amdt. 2]

INTERNATIONAL SILVER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 284 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for sterling and plated silver flatware manufactured by The International Silver Company, and having the brand name "1847 Rogers Bros.," "Wm. Rogers & Son," "Holmes & Edwards" and "International Sterling."

This amendment establishes new retail ceiling prices for "Holmes & Edwards" brand of silverplated flatware manufactured by The International Silver Company, Meriden, Connecticut. It

appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated March 3, 1952.

Amendatory provisions. Special Order 284 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "June 18, 1951" the following date, "March 3, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated March 3, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 25, 1952.

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3676; Filed, Mar. 27, 1952; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 388, Amdt. 2]

ALADDIN INDUSTRIES, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 388; including amendment 1, under Section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for vacuum bottles and lunch kits manufactured by Aladdin Industries, Incorporated and having the brand names "Hopalong Cassidy" and "Hy-Lo."

This amendment establishes new retail and wholesale prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated March 14, 1952.

Amendatory provisions. Special Order 388; including amendment 1, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 29, 1951," insert the words "as supplemented and amended by its applications dated August 15, 1951, and March 14, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 15, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 23, 1952.

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3678; Filed, Mar. 27, 1952; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 498, Amdt. 2]

ROSE-DERRY CO., ET AL.

CEILING PRICES AT RETAIL

In re: Rose-Derry Company and its subsidiary corporations, Rose Derry Chicago, Inc., Rose-Derry Company of California.

Statement of considerations. Special Order 498 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for crib mattresses and baby buntings manufactured by Rose-Derry Company and its subsidiary corporations, Rose-Derry Chicago, Inc., and Rose-Derry Company of California, and having the brand names "Luxury Kantwet," "Kanwet Bo-Peep," "Baby Clown," "Vita-Vent" and "Cuddle-Nest."

This amendment establishes new retail ceiling prices for certain of applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the two amended applications dated March 4, 1952.

This amendment also adds the brand names "Firmbak" and "Kantwet Tour-A-Bed" to the brand names listed in the special order.

This amendment also adds under articles the words "box spring, tour-a-bed and seat" to the coverage of the special order.

Amendatory provisions. Special Order 498 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application filed with the Office of Price Stabilization" insert the words "dated March 8, 1951, as supplemented and amended by your supplier's two applications dated March 4, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's two supplemental applications dated March 4, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

3. In paragraph 1, add the brand names "Firmbak" and "Kantwet Tour-A-Bed."

4. In paragraph 1, add under articles the words, "box spring, tour-a-bed and seat."

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3679; Filed, Mar. 27, 1952; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 516, Amdt. 2]

HOUGH SHADE CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 516, under section 43 of Ceiling Price Regulation 7, established ceiling prices for sales at retail of porch shades and floor screens, having the branded names "Coolmor", "Belmar", and "Vudor", manufactured by the Hough Shade Corporation.

Amendment 1 to the special order excluded the "Belmar" floor screens from the operation of the special order and also established wholesale prices for the articles. The manufacturer has made application to correct the order and delete from the special order any reference to wholesalers since the articles are sold directly to retailers. Therefore, this amendment corrects the special order to conform to the normal business practice of the applicant. This amendment establishes new retail ceiling prices for certain of the applicant's branded articles.

In addition, this amendment establishes new retail ceiling prices for window shades having the brand name "Belmar." It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated November 13, 1951 and December 19, 1951.

Amendatory provisions. Special Order 516 under Ceiling Price Regulation 7 is amended in the following respects:

1. Delete paragraph 1 from the special order and substitute therefor the following:

1. *Ceiling prices.* The ceiling prices for sales at retail of porch shades and window shades sold through retailers and having the brand name(s) "Coolmor" and "Belmar," and "Vudor," shall be the proposed retail ceiling prices listed by the Hough Shade Corporation, 1023 South Jackson Street, Janesville, Wisconsin, hereinafter referred to as the "applicant" in its application dated May 18, 1951, as supplemented and amended by its applications dated June 18, 1951, September 10, 1951, November 13, 1951 and December 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt

of a copy of this special order, with notice of prices annexed, but in no event later than April 22, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3680; Filed, Mar. 27, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 759, Amdt. 2]

JACOBY-BENDER

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 759 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for watch bracelets and identification bands manufactured by Jacoby-Bender, Inc., and having the brand name "J-B."

Amendment 1 changed the title of the special order and eliminated any reference to wholesale ceiling prices. Therefore, this amendment corrects the title to the special order.

Amendatory provisions. The title to Special Order 759 issued under section 43 of Ceiling Price Regulation 7 is corrected to read as follows: "Jacoby-Bender, Inc., Ceiling Prices at Retail and Wholesale."

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3681; Filed, Mar. 27, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 825, Amdt. 1]

WEBSTER-CHICAGO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 825, issued to Webster-Chicago Corporation on February 27, 1952, effective February 28, 1952, established ceiling prices at retail and wholesale for phonographs, wire recorders, tape recorders, recording tape, recording wire assortment kits and record changers having the brand name "Webster-Chicago."

The applicant has applied to the Office of Price Stabilization for an amendment to the special order which would limit the operation of the special order to sales at retail. It points out that it was in error in applying for uniform ceiling prices for wholesalers, since there had been no pre-existing uniformity for sales at that level. Therefore, this amendment limits the operation of the special order to sales at retail.

In addition this amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 12, 1952.

This amendment also adds a new brand name "Webcor" to the coverage of the special order.

Amendatory provisions. Special Order 825 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete the title and substitute therefor the following: "Webster-Chicago Corporation, Ceiling Prices at Retail."

2. In paragraph 1, delete the words "and wholesale," wherever they appear.

3. In paragraph 1, delete the brand name "Webster-Chicago," and substitute therefor the brand name "Webcor."

4. In paragraph 1, delete the words "or wholesale."

5. In paragraph 1, insert the date "March 12, 1952" following the date "January 28, 1952."

6. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 12, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 23, 1952.

7. In paragraph 3 (a) (4) delete the words "and corresponding wholesale prices."

8. In paragraph 3 (a) (4) delete the following:

(Column 3)
Wholesaler's ceiling price for articles listed in column 1
$--------

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3682; Filed, Mar. 27, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 851]

BELMONT RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Belmont Radio Corporation, 5921 W. Dickens Avenue, Chicago 39, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of television receiving sets, combination phonograph television sets, combination phonograph-radio-television sets, UHF tuner, legs, fringe power amplifier sold through wholesalers and retailers and having the brand name(s) "Raytheon" shall be the proposed retail ceiling prices listed by Belmont Radio Corporation, 5921 W. Dickens Avenue, Chicago 39, Illinois, hereinafter referred to as the "applicant" in its application dated October 16, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C., and supplemented and amended by manufacturer's applications dated December 4, 1951 and February 27, 1952.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 26, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 26, 1952, Belmont Radio Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 25, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form

stated above. Prior to June 25, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
.....	$.....

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3631; Filed, Mar. 26, 1952; 4:28 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order No. 354, Amendment No. 1]

KOPS BROTHERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order No. 354 issued to Kops Brothers, Inc., on August 9, 1951, established ceiling prices at retail for girdles, pantie girdles, corsets and combinations, manufactured by Kops Brothers, Inc., 385 5th Avenue, New York 16, New York, having the brand name "Nemo."

This amendment to the special order establishes retail ceiling prices for certain cost lines sold during customary special semi-annual sales periods.

The applicant points out that the original application for a special order omitted to state that any consideration was given to these special sales, which sales are customary in the foundation garment industry. This amendment, in addition, provides for a method to preticket merchandise which remains unsold after the special sales periods.

Amendatory provisions. Special Order No. 354 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Following paragraph 1, now appearing in the special order, insert the following subparagraph:

(a) The following sale prices are established for sales during the periods May 19 through June 30, 1952 and December 26, 1952 through January 31, 1953, for any seller at retail of the girdles, pantie girdles, corsets and combinations manufactured by Kops Brothers, Inc., 385 5th Avenue, New York 16, New York, having the brand name "Nemo," and described in the manufacturer's application for amendment dated February 21, 1952.

Regular Style No.	Special sale style No.	Manufacturer's sale price (per dozen)	Retail ceiling price (per unit)
Nylette No. 2 girdle.	Special nylette No. 2 girdle.	$36	$5.00
Nylette No. 2 pantie.	Special nylette No. 2 pantie.	42	5.95
1415 R	1415	42	5.95
850 R	850	42	5.95
860 R	860	45	6.95
831	831	51	7.95
832	832	51	7.95
1071	1001	57	8.95
1072	1002	57	8.95
1051	1363	60	8.95
1052	1364	60	8.95
1057	1207	66	10.00
1258	1208	66	10.00
1131	1201	66	10.00
1202 R	1202	66	10.00
1203 R	1203	66	10.00
96-120	96-127	72	10.95
14-120	14-127	72	10.95

(b) Kops Brothers, Inc., must mark each article for which a ceiling price at retail has been established in paragraph 1 (a) of this special order for the sale periods May 19 through June 30, 1952 and December 26, 1952 through January 31, 1953, with the retail ceiling price for the article which is listed in paragraph 1 (a) of this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the form contained in section 3 of the special order.

Upon termination of the special sales periods stated above, the manufacturer shall furnish each seller at retail, who has any items remaining in his stock

from the special sales periods, a supply of labels, tags or stickers stating the retail ceiling prices established in paragraph 1 of the special order.

Upon the termination of the special sales periods, no retailer may offer or sell any article described in sub-paragraph (a) of paragraph 1 unless it is marked, labeled or ticketed in accordance with the requirements of this paragraph.

Effective date. This amendment shall become effective March 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3626; Filed, Mar. 26, 1952; 4:27 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 322, Amdt. 3]

WOLFF PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 322, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for bathroom accessories distributed by Wolff Products Company and having the brand name "Lacey Ledge".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 322, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

In paragraph 1-a, in the column headed "Ceiling price at retail (per unit)":

1. Delete the figure "1.17" and substitute therefor the figure "1.19".
2. Delete the figure "1.84" and substitute therefor the figure "1.89".
3. Delete the figure "3.24" and substitute therefor the figure "3.29".

Effective date. This amendment shall become effective March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3677; Filed, Mar. 27, 1952; 4:19 p. m.]